84-1348

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No.84-

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

KENNETH O. EIKENBERRY,

Petitioner,

v.

STANDARD OIL COMPANY OF CALIFORNIA, et al.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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Deputy Attorney General
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Seattle, Washington 98104
(206) 464-6254

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QUESTIONS PRESENTED

1. Does 28 U.S.C. Section 1291 authorize an interlocutory appeal by a state Attorney General of a civil contempt order against him for his refusal to comply with an order requiring him to reveal to a defendant or its counsel the identity of a confidential informant?

2. Is the informant privilege asserted by a state in a parens patriae action waived solely as a result of a confidential informant's appearance on television, when his face and voice were disguised beyond recognition, and when the state's only involvement in his television appearance was to comply with the television network's request that the

state advise the informant of the network's interest in speaking to him and to advise the informant that the decision whether to speak was entirely his own?

THE PARTIES BELOW

Petitioner, Kenneth O. Eikenberry ("Eikenberry"), the Attorney General of the State of Washington, was the Appellant in the Court of Appeals. The State of Washington ("Washington") is a plaintiff in the District Court in In re Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation, MDL-150 WPG, which is pending in the United States District Court for the Central District of California. Respondents, who were the Appellees in the Court of Appeals, are defendants in the District Court. Respondents are Standard Oil Company of California ("Socal"), Atlantic Richfield Company,

Exxon Corporation, Gulf Corporation, Mobil Oil Company, Texaco Inc., and Union Oil Company of California.

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PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Kenneth O. Eikenberry, Attorney General for the State of Washington, respectfully prays that a Writ of Certiorari be issued to review the judgment and opinion of the United States Court of Appeals for the Ninth Circuit entered in this case on November 23, 1984.

OPINIONS BELOW

The Court of Appeals' opinion is reported at 747 F.2d 1303 (attached as Appendix A). The District Court orders are unreported, but are attached as Appendices B and C.

JURISDICTION

The Court of Appeals entered its opinion on November 23, 1984, and this petition for certiorari was filed within ninety days of that date. Petitioners

invoke this Court's jurisdiction under 28 U.S.C. Section 1254(1).

STATUTE INVOLVED

This case principally involves 28 U.S.C. Section 1291, set out verbatim in Appendix D.

STATEMENT OF THE CASE

A. Introduction

The decision below denies Washington all meaningful review of a District Court order which would require it to disclose the name of the confidential informant in a law enforcement action, thereby exposing the informant to retaliation from one or more defendants and causing great damage to future state law enforcement activity throughout the nation.

Washington brought this action in 1977 against ten oil companies. The

state sued on its own behalf, on behalf of alleged classes of natural persons, on behalf of alleged classes of governmental entities, and as parens patriae on behalf of its citizens. The complaint charges the oil companies with retail price-fixing of refined petroleum products, primarily motor gasoline and heating fuel. Washington seeks damages, inter alia, for overcharges by the oil companies on these products. Washington's case was transferred to the Central District of California; combined there in MDL-150 with similar cases filed by California, Florida, Arizona and Oregon; and assigned to the Honorable William P. Gray, Senior United States District Judge.

B. Prior Proceedings Involving Washington's Informant

In 1979, the NBC television network broadcast a news story about MDL-150. The report included an interview with a man who was identified as a confidential informant for the states. The man's face and voice were "disguised beyond recognition," in the words of the District Court. (App. B at 2). Following the broadcast, defendant Socal served an interrogatory on Washington (and other MDL-150 plaintiffs) seeking the identity of the informant. Washington objected to the interrogatory on the ground that his identity was made confidential by the informant privilege.

After holding a hearing on the issue of Socal's interrogatory, the District Court ordered Washington to disclose the name of its confidential informant to

counsel for Socal for the purpose of an in camera deposition to determine whether his identity should be disclosed to all defendants. Washington appealed that order to the Court of Appeals under 28 U.S.C. Section 1292(b), and the Ninth Circuit granted permission for the appeal. After briefing by the parties and by 32 states as amici curiae for Washington, and after oral argument, the Court of Appeals revoked its permission to appeal as having been improvidently granted.

Subsequently, the District Court again ordered Washington to disclose the identity of its informant. On April 30, 1981, the District Court found Eikenberry to be in civil contempt when he declined to comply with the disclosure order.

That contempt order was appealed to the Ninth Circuit as a final order under

28 U.S.C. Section 1291. Socal, as appellee, did not dispute the jurisdiction of the Court of Appeals in that appeal. In May, 1982, the Court of Appeals reversed and remanded the contempt order. The District Court was ordered to determine whether the informant privilege applied before ordering any disclosure of the informant's identity. In its opinion, the Court mistakenly identified its jurisdictional basis as 28 U.S.C. Section 1292(b). Washington believed the citation to be a typographical error and filed a motion to correct the citation. The Court of Appeals, however, never ruled on that motion.

C. Proceedings Now On Appeal

On October 7, 1982, the District Court issued a "Memorandum of Decision and Order." The Court ruled that the

informant privilege applies in this state parens patriae antitrust action. The Court further held, however, that Washington had waived the privilege in this case because it had "facilitated" the informant's disguised appearance on NBC by providing the NBC producer's name and phone number to the informant with the advice that the decision to contact NBC was his alone to make. (App. B at 4). Accordingly, Washington was ordered to disclose to Socal's counsel the name, address, and last employer of the informant.

Eikenberry again declined to comply with this order, however, and the District Court entered a contempt order against him on November 17, 1982. This order is the basis of the present appeal. The contempt order also imposed civil sanctions of $100 per day on Eikenberry

(stayed pending appeal), and ordered him to pay the expenses and attorneys fees incurred by Socal "with respect to Washington's failure to comply with the Order of October 7, 1982," beginning January 5, 1981. (App. B at 10).

When Eikenberry appealed the second contempt order, Socal challenged the jurisdictional basis of the appeal, even though the first contempt appeal had proceeded to its conclusion on exactly the same Section 1291 jurisdiction! The Court of Appeals agreed, however, and dismissed Eikenberry's second contempt appeal. Thus, notwithstanding three appeals to the Ninth Circuit, Washington is to be denied any appellate review of the merits of the District Court's determination that Washington waived its informant privilege in this case.

REASONS FOR GRANTING THE WRIT

A. Introduction

The issue in this appeal has followed a long and tortuous path to arrive at this Court. At issue here is whether there can be any appellate review of the District Court order compelling the disclosure of the identity of the confidential informant. If, as the Court of Appeals concluded, such appeal can only come after trial, then the appeal of the disclosure order will be mooted by the disclosure of the man's identity as ordered by the District Court. The only meaningful appeal of a disclosure order would be before the disclosure.

The reasoning behind the decision below is fallacious and unjust. The precedent cited is completely misapplied; and the result frustrates the very purpose of the statute the decision

purports to interpret, 28 U.S.C. Section 1291.

B. The Court of Appeals Misapplied Relevant Caselaw to Reach the Wrong Result.

Eikenberry's appeal was based jurisdictionally upon the long-established rule that a third party has a right to appeal under 28 U.S.C. Section 1291 from an order adjudging the third party to be in civil contempt. Alexander v. United States, 201 U.S. 117 (1905); David v. Hooker, 560 F.2d 412 (9th Cir. 1977). This rule has been applied even in situations in which the third parties were counsel for a party or officers of corporate parties. In re Murphy, 560 F.2d 326 (8th Cir. 1977) (third party counsel); In re Fish & Neave, 519 F.2d 116 (8th Cir. 1975) (third party counsel); Fenton v.

Walling, 139 F.2d 608 (9th Cir. 1943), cert. denied, 321 U.S. 798 (1944) (third party corporate officers).

Relying upon the following logical syllogism, the Court of Appeals departed from this jurisdictional rule:

1. Major Premise:

   A contempt order or discovery sanction against a non-party is appealable under 28 U.S.C. Section 1291 unless "there is a substantial congruence of interests between the non-party and a party to the action." (p.4).

2. Minor Premise:

There is a substantial congruence of interests between Attorney General Kenneth O. Eikenberry and the State of Washington because:

a) If any financial penalty is awarded against Kenneth O. Eikenberry, the State may pay it, and

b) Kenneth O. Eikenberry is both counsel for the State and also "the state official in charge of initiating and conducting the course of litigation." (p. J)

3. Conclusion:

The contempt order is not appealable because of the

"substantial congruence of interests between Kenneth O. Eikenberry and the State."

Both premises of this syllogism and the conclusion are irrelevant or wrong.

The Court of Appeals drew its major premise from discovery sanction cases that are completely inapplicable to this appeal. The underlying issue here is whether the state must expose a confidential informant to oil companies. If the dismissal of the appeal is upheld, the man's identity will be disclosed, and his personal and financial security may be jeopardized. No less significant is the chilling effect of disclosure on the flow of information from informants generally, as a result of the knowledge that a court of law in this case required a law enforcement office to "burn" an informant. It would be a severe

injustice if this were allowed to occur without any appellate review on the merits of the disclosure order.

Notwithstanding the very grave implications of its decision, the Court of Appeals relied for its first premise on cases dealing with appeals of monetary sanctions in the context of ordinary civil discovery. The cases cited by the Court below in support of its first premise, Kordich v. Marine Clerks Association, 715 F.2d 1392 (9th Cir. 1983), and Eastern Maico Distributors, Inc. v. Maico-Fahrzeugfabrik, 658 F.2d 944 (9th Cir. 1981), are both appeals of monetary sanctions. In both of them, Courts of Appeal dismissed appeals from monetary sanctions for frivolous motions or breaches of discovery obligations. In both, the Courts of Appeal said that the penalty should be paid and any appeal

from the penalty should wait until the conclusion of the entire lawsuit.

The lesson of these two cases could hardly be less to the point here. It is obvious that, once the informant's identity is revealed, no appeal at the end of MDL-150, whenever that is, can protect against the consequences of the disclosure. Any delay in this appeal until the end of trial therefore will render the appeal meaningless. The District Court understood this reality:

> Attorney General Eikenberry of Washington has made a submission in which he acknowledges the jurisdiction over him of this Court, contends that in his view and the view of his colleagues the order was wrong, and he should not have to comply, and of course he asserts the obvious, that if he complies, why, it

makes any appeal moot. He desires to appeal, and, therefore, in order to get an appealable order he declines to adhere to the Court's order, and has instructed his colleagues not to comply with the Court's order. He went on to say, if this Court's order is sustained on appeal, he will comply.

That is what I intend to do with respect to the Attorney General, therefore. First, I want to state that I understand the position of the Attorney General. Naturally, I believe that the order entered by this Court was an appropriate order that should be complied with, but he has a right to seek to get the Court of Appeals to secondguess [sic] this Court, and I respect that; and I also appreciate the respectful manner in which Mr. Eikenberry

> has made his submission to this Court.

Appendix E at 3.

The Court of Appeals' failure to grasp this point is the reason why its minor premise is irrelevant. The alleged "congruence of interests" between the State of Washington and its Attorney General has nothing to do with this case. As observed by the District Court in the quotation above, Eikenberry has pledged to obey the disclosure order of October 7, 1982, if his efforts to secure appellate relief from the Court's order are unsuccessful. The monetary penalty imposed by the District Court is therefore irrelevant to this appeal.

The question here involves the harm of disclosure and not liability for a monetary penalty. This difference

distinguishes this appeal from the cases relied upon by the Court of Appeals. Indeed, this difference is expressly recognized and discussed in one of those cases, in language that is fully applicable to the instant circumstance:

> In civil contempt proceedings or Rule 37(b) sanctions against a non-party, even against an attorney to or an officer of a party, an appeal generally need not wait until final judgment in the case as a whole. See In re Fish v. Neave, 519 F.2d 116 (8th Cir. 1975) (attorney may appeal civil contempt sanction); David v. Hooker, Ltd., 560 F.2d 412, 416-17 (9th Cir. 1977) (officer of party may appeal Rule 37(b) sanction for violation of discovery order). But in such situations the purpose of the sanction is not simply

> to deter harassment and delay, but to effect some discovery conduct. See Shillitani v. United States, 384 U.S. 364, 370, 86 S.Ct. 1531, 1535, 16 L.Ed.2d 622 (1966). A non-party's interest in resisting a discovery order is immediate and usually separate from the parties' interests in delay. Before final judgment is reached, the non-party either will have surrendered the materials sought or will have suffered incarceration or steadily mounting fines imposed to compel the discovery. If the discovery is held unwarranted on appeal only after the case is resolved, the non-party's injury may not be possible to repair.

Eastern Maico Distributors v. Maico-Fahrzeugfabrik, supra, at 949.

The issue in the instant case is not whether a sanction is appropriate for detering harassment or delay, but rather

is whether a law enforcement officer must disclose the identity of an informant. The Court of Appeals' conclusion is wrong in requiring disclosure before appellate review is allowed. To reach this conclusion the Court of Appeals had to ignore the exposure of the Washington's informant to retaliation, the damage to Washington if it is required to "burn" an informant, and the broader peril to law enforcement generally.

The informant privilege is a firmly established and important part of federal law. It encourages people to assist law enforcement by providing information of wrongdoing which they might withhold out of fear of retaliation absent a promise of anonymity. Roviaro v. U.S., 353 U.S. 53 (1957). To postpone appellate review of an order requiring disclosure of an informant's identity until after the

disclosure takes place is to make such appellate review moot. This result drastically weakens the privilege for law enforcement in all jurisdictions, not just for Washington in MDL-150. In Re United States, 565 F.2d 19, 23, (2d Cir. 1977), cert. denied, 436 U.S. 962 (1978); In Re Attorney General of the United States, 596 F.2d 58, 67-68, (2d Cir. 1979).

C. The Informant Privilege Applies Here and Was Not Waived.

The district court correctly ruled that the informant's privilege was available to Washington in its parens patriae action against Socal and the other oil companies, but incorrectly ruled that Washington waived its privilege.

The informant's privilege exists to promote the public interest in law enforcement by encouraging citizens to communicate their knowledge of unlawful activities to law enforcement officials by preserving their anonymity. Roviaro v. United States, supra. Recognizing the public interest in the enforcement of the federal antitrust laws, the courts have applied the informant's privilege in civil antitrust actions brought by the federal government. See e.g., City of Burlington v. Westinghouse Electric Corp., 246 F.Supp. 839 (D.D.C. 1965) on remand from 351 F.2d 762 (D.C. Cir. 1965); In re Emprise Corp., 344 F.Supp. 319 (W.D.N.Y. 1972); United States v. Kelsy-Hayes Wheel Co., 15 F.R.D. 461 (D.Mich. 1954); United States v. John Deere & Co., 9 F.R.D. 523 (D.Minn. 1974); and United States v. Kohler Co.,

9 F.R.D. 289, 290 (E.D.Pa. 1949). Courts sustaining the privilege in federal civil antitrust actions have noted that the privilege protects against employer retaliation and its capacity to influence information sources. See, e.g., United States v. Kelsy-Hayes Wheel Co., supra, 15 F.R.D. at 461; Wirtz v. Continental Finance and Loan Co., 326 F.2d 561 (5th Cir. 1964).

The public interest in civil enforcement of the federal antitrust laws is the same whether they are enforced by the federal government or a state through its attorney general.

Indeed, the courts have recognized that a civil antitrust damage suit brought by a state attorney general qualifies as an official enforcement action. Fleming v. Federal Trade Commission, 670 F.2d 311 (1982).

Moreover, Congress has encouraged state attorneys general to bring monetary damage actions under federal antitrust laws by passing the parens patriae statute. 15 U.S.C. Sections 15c-15f. As a result, courts have noted "the important place state attorneys general occupy in Congress' scheme for antitrust enforcement." United States v. B. F. Goodrich Co., 619 F.2d 798, 801 (9th Cir. 1980). It follows that the informant's privilege available to the federal government in civil antitrust suits is available to a state attorney general enforcing those laws as well.

The district court, however, incorrectly ruled that Washington waived its right to assert the informant's privilege.

Washington's confidential informant appeared on "The NBC Nightly News" on

October 17, 1979 with his voice and physical appearance disguised beyond recognition. The informant's appearance was made by his arrangement with NBC, who had promised the informant that it would preserve the confidentiality of his identity.

Washington only made NBC's desire to interview the informant known to him. At no time did Washington disclose the confidential informant's identity to NBC. Nevertheless, the district court ruled that Washington waived its right to protect the confidential informant's identity by having "aided in the airing" of the NBC broadcast. (App. B at 3).

This erroneous ruling reflects the court's misconstruction of the waiver exception to the informant's privilege. A correct statement of the law is that the privilege is waived only when the

informant's identity has been disclosed to those who would have cause to resent his communication. Roviaro v. United States, supra; see also United States v. Julius Doochin Enterprises, 370 F.Supp. 942, 941-945 (M.D.Tenn. 1973); United States v. Real Estate Board of Met. St. Louis, 59 F.R.D. 37 (E.D.Missouri 1973) (citing Mitchell v. Bass, 252 F.2d 513 (8th Cir. 1958).

The waiver exception recognizes that if an informant's identity is known or admitted, no legitimate purpose is served by the court's continued application of the privilege.

In this case however, no individual or entity having cause to resent the communication of information by Washington's informant has learned of his identity. Clearly, NBC did not resent the informant's communications to the

State of Washington. Rather, NBC's interest was solely journalistic: NBC was not harmed by the informant's communications to it. Thus, the informant's voluntary disclosure of his identity to NBC did not invoke the Roviaro waiver exception.

D. The Writ Should Be Granted

The errors of the courts below do a grave disservice to the cause of law enforcement everywhere. The abdication by the Court of Appeals of its responsibility to review the District Court orders before they are enforced means any future appeal will be mooted. The District Court orders, in turn, stand the waiver doctrine on its head and result in a fundamental weakening of the informant privilege. All of these errors can only be corrected by the grant of a writ of certiorari.

Accordingly, this case raises "an important question of federal law which has not been, but should be, settled by this Court," Supreme Court Rules, Rule 17, so that certiorari should be granted. Certiorari is appropriate where rulings below "threaten the effectiveness" of antitrust enforcement. Perma Life Mufflers, Inc. v. International Parts Corp., 392 U.S. 134, 136 (1968), and where the case presents important issues under the antitrust laws. Albrecht v. Herald Co., 390 U.S. 145, 146, (1968); National Broiler Marketing Assn. v. United States, 436 U.S. 816, 818 (1978).

F. Conclusion

For the foregoing reasons, Petitioner respectfully submits that the Petition for Writ of Certiorari should be granted.

DATED: February 21, 1985.

Respectfully submitted,

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APPENDIX A

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In re: Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation	NO. 82-6092 D.C. No. CV 77-3487-WPG
STATE OF WASHINGTON, on behalf of itself and its public entities and residents, Plaintiff-Appellant, vs. STANDARD OIL COMPANY OF CALIFORNIA; TEXACO, INC.; UNION OIL COMPANY OF CALIFORNIA; ATLANTIC RICHFIELD COMPANY; EXXON CORPORATION; GETTY OIL CORPORATION; GULF OIL CORPORATION; MOBIL OIL CORPORATION; PHILLIPS PETROLEUM COMPANY; and SHELL OIL COMPANY, Defendants-Appellees.	OPINION

Appeal from the United States
District Court
for the Central District of California

Honorable William P. Gray
Senior United States District Judge,
Presiding

Argued and Submitted: October 3, 1983

Before: KENNEDY, SKOPIL, and PREGERSON,
Circuit Judges.

KENNEDY, Circuit Judge:

This appeal arises out of an antitrust action commenced by the State of Washington against certain oil companies on August 15, 1977. While the case was in the discovery stage, a television broadcast of the "NBC Nightly News" disclosed that an individual, presumably an oil company employee, had acted as a confidential informant by giving the State of Washington vital information regarding price fixing by defendants. Two days after the broadcast, defendant Standard Oil of California served an interrogatory upon

all state plaintiffs requesting the name, address, employer, and employment position of the individual identified on the broadcast as the confidential informant. The State of Washington, through its Attorney General, Kenneth O. Eikenberry, objected to the interrogatory and refused to provide the requested information on the ground that the information was protected by the "informant's privilege" and, therefore, was not subject to disclosure. See Roviaro v. United States, 353 U.S. 53, 59-61 (1957).

The district court ordered disclosure of the informant's identity to a Standard Oil attorney for the purpose of an in camera deposition subject to review and control by further order of the court. The attorney was not to divulge the informant's identity. The

State of Washington appealed the order under 28 U.S.C. § 1292(b), but we dismissed the appeal on jurisdictional grounds. Next, Eikenberry refused to comply with the district court order and was found in civil contempt. The Attorney General appealed both the contempt order and the initial order requiring disclosure, again pursuant to section 1292(b). We reversed and remanded. Eikenberry v. Standard Oil Co., No. 81-5505 (9th Cir. May 19, 1982). We recited there that the jurisdictional basis for the appeal was section 1292(b), but the appellant here advises that this was incorrect. The record on this point is unclear, but, in any event, the supervening case of Kordich v. Marine Clerks Ass'n., 715

F.2d 1392 (9th Cir. 1983), indicates that there is no jurisdiction for a section 1291 appeal as discussed below.

On remand the district court determined that, although the informant's privilege applied to the case, it had been waived by the state. Consequently, the district court ordered disclosure of the informant's identity to Standard Oil's counsel. After Eikenberry again refused to comply with the disclosure order, the district court once more held him in civil contempt. The instant appeal followed under 28 U.S.C. § 1291. We do not reach the merits of Eikenberry's argument regarding the informant's privilege, for we conclude we lack jurisdiction of the appeal.

Jurisdiction under section 1291, as a general rule, extends only to final decisions by the district court.

Eikenberry contends that he may appeal the order imposing sanctions, as he is not a party to the suit, and the order, as to him, is final under section 1291. See Reygo Pacific Corp. v. Johnston Pump Co., 680 F.2d 647, 648 (9th Cir. 1982); Liew v. Breen, 640 F.2d 1046, 1048 (9th Cir. 1981); David v. Hooker, Ltd., 560 F.2d 412, 415-16 (9th Cir. 1977); In re Fish & Neave, 519 F.2d 116 (9th Cir. 1975); Fenton v. Walling, 139 F.2d 608, 610 (9th Cir. 1943). Ordinarily, a nonparty may appeal either a contempt order or a discovery santion before final judgment in the underlying action if the order or santion is directed at him. Such orders are deemed final under 28 U.S.C. § 1291. This rule of appealability is not applicable, however, if there is a substantial congruence of interests between the

nonparty and a party to the action. Kordich, 715 F.2d 1392; Eastern Maico Distributors, Inc. v. Maico-Fahrzeugfabrik, 658 F.2d 944, 950-51 (3d Cir. 1981). This follows from the principle that appealability under section 1291 must be given a "practical rather than technical construction." Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 374 (1981). The section must be construed in light of the underlying purpose to avoid piecemeal review and its attendant delay. See Risjord, 449 U.S. at 374; Eastern Maico Distributors, Inc., 658 F.2d at 947.

In Kordich the district court imposed santions for a frivolous motion and held both the party and its attorney jointly and severally liable. The attorney appealed the sanctions against

him while the underlying action was yet pending in the district court. We dismissed the appeal for lack of jurisdiction, explaining that:

> [T]he congruence of interests between attorney and client here is so great that counsel's status as a non-party is questionable. We see no reason to permit indirectly through the attorney's appeal what the client could not achieve directly on its own: immediate review of interlocutory orders imposing liability for fees and costs.

Id. at 1393.

We find a congruence of interests between Eikenberry and the state in this case, and hold therefore that the order may not be severed from the primary action or treated as final. The case differs from Kordich in that the sanctions were imposed directly on

Eikenberry and not jointly upon him and the state. However, other factors compel the conclusion that there is a congruence of interest between Eikenberry and the state. First, Eikenberry does not deny that the state ultimately will pay the cost of all sanctions against him. The contempt order, therefore, does not place appellant directly at risk. The lack of personal risk to Eikenberry is further demonstrated by the fact that Judge Gray has stayed the sanctions pending the outcome of this appeal. As we explained in Kordich, "[d]ismissal of this interlocutory appeal will not cause appellant any harm." Id. at 1393 n.2. Cf. Union of Professional Airmen v. Alaska Aeronautical Industries, 625 F.2d

881 (9th Cir. 1980) (the payment of sanctions against a nonparty by his employer prior to appeal moots the appeal).

Second, in the role of Attorney General, Eikenberry is not only the counsel for Washington but also the state official in charge of initiating and conducting the course of litigation. The determination whether to bring an action rests within the sole discretion of the Attorney General. Boe v. Gorton, 88 Wash. 2d 773, 776, 567 P.2d 197, 199 (1977) (en banc); Berge v. Gorton, 88 Wash. 2d 756, 761, 567 P.2d 187, 191 (1977) (en banc). It is the Attorney General who has the authority to prosecute the suit. Wash. Rev. Code Ann. § 43.10.030(2) (1983). The complaint in this case stated that the action was brought by the State of

Washington "by and through its Attorney General."

The Attorney General controls the strategy and tactics of the suit, and is the final arbiter of when to resist a discovery order in lieu of risking contempt and its sanctions while continuing litigation. In this regard, the case is unlike In re Irving, 600 F.2d 1027 (2d Cir. 1979). There the general counsel of the NLRB was held entitled to appeal contempt orders directed against him as a prospective witness in a criminal case. The first contempt order was a criminal contempt and appealable on that basis alone. The second contempt order was civil and appealable on the ground that the Board's counsel had no control over the prosecution in which the document was ordered produced. The very control absent Irving is present here,

for the Attorney General is the principal officer of the state charged with bringing the suit. In these circumstances, we conclude that the State Attorney General has a sufficient congruence of interest with the State of Washington to bring the case under the rule of Kordich and render the order nonappealable.

It is true that in Kordich we observed "had the orders at issue here imposed liability solely on [the parties' counsel], we would clearly have jurisdiction." Kordich, 715 F.2d at 1393. In the context of Kordich, that statement was correct, as the traditional relation between attorney and client pertained, the attorney having no control over the ultimate determination to prosecute the case. Where the traditional attorney-client relation

exists, congruence of interest for purposes of appealability will usually turn on whether the discovery order is directed to the attorney alone or jointly to the attorney and to the party. Compare Liew, 640 F.2d at 1048, with Kordich, 715 F.2d 1392. In the case before us, a congruence of interest exists because the Attorney General is the principal officer of the party conducting the litigation. That fact also serves to distinguish our holding in David v. Hooker, Ltd., 560 F.2d at 417, where we held that a corporate officer can appeal a discovery order in a case where the corporate entity, but not the officer, is the party to the suit. And here, as in Kordich but not Hooker, the

ruling can be appealed as a part of the final judgment, since the discovery order was directed to the State of Washington, not the Attorney General individually.

Under the circumstances of this case, we cannot consider Attorney General Eikenberry a nonparty for the purpose of appealing the contempt sanction. Therefore, the general rule precluding a party from taking an interlocutory appeal of a contempt order applies. Johnny Pflocks, Inc. v. Firestone Tire & Rubber Co., 634 F.2d 1215, 1216 (9th Cir. 1980). The appeal is dismissed for lack of jurisdiction.

DISMISSED.

APPENDIX B

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

IN RE: COORDINATED PRETRIAL PROCEEDINGS IN PETROLEUM PRODUCTS ANTITRUST LITIGATION	MDL Docket No. 150-WPG WASHINGTON: No. CV 77-3487-WPG

MEMORANDUM OF DECISION AND ORDER

The Court of Appeals on May 19, 1982, reversed this court's order holding the Attorney General of the State of Washington in contempt for having refused to disclose the name of an informant to an opposing counsel designated to be officer of the court for the taking of the informant's deposition. The case was remanded to this court for further proceedings.

At issue is the availability of the informant's privilege to the State of Washington under the circumstances of this case. In 1979, NBC News executives contacted the office of the Attorney

General of the State of Washington seeking names of people possessing information concerning the events involved in this litigation. According to affidavits submitted by the State of Washington, the office of the Attorney General refused to identify any informants to NBC, but advised the informant that NBC News was interested in his story. On October 17, 1979, the informant appeared on NBC Nightly News, his face and voice disguised beyond recognition, alleging that he personally participated in price-fixing activities among major oil companies. Shortly thereafter, defendant Standard Oil Company of California served the State of Washington with an interrogatory requesting the informant's identity. The State of Washington has refused to answer

this interrogatory, claiming the informant's privilege.

The informant's privilege appears to exist in this kind of action. Roviaro v. United States, 353 U.S. 53 (1957), stands for the proposition that a qualified privilege should be available to law enforcement officials in their work to protect the public interest. This privilege has been recognized by many civil suits and in antitrust actions brought by the Federal Government. See., e.g., City of Burlington v. Westinghouse Electric Corp., 246 F. Supp. 839 (D.D.C. 1965); U.S. v. Kohler, 9 F.R.D. 289 (E.D. Pa. 1949); U.S. v. John Deere and Co., 9 F.R.D. 523 (D. Minn. 1949). In light of the parens patriae statute (15 U.S.C § § 15c-15f) in which Congress encouraged monetary damages suits under the federal antitrust

laws brought by the state attorneys general, it stands to reason that the informant's privilege should be available to these state law enforcment officers seeking to aid in the enforcement of federal law.

Assuming, then, that the privilege does exist, it would appear nevertheless to have been waived by Washington's subsequent actions. However brief its role, Washington unquestionably aided in the airing of serious allegations against the defendants on national television. While, as plaintiffs argue, there certainly exists a duty on the part of state officials to aid the media in disseminating information of public concern, there also exists the right of those publicly accused of wrongdoing to face and answer their accusers. Law enforcement officials cannot help

informants air their views supporting the Government's contentions in the litigation and then use the privilege to shield those informants from cross-examination. It seems to me that in such situations, officials must choose: either their informant may tell his story both to the American public and to the defendants, or he is available to neither, pending resolution of the case in question. Although the officials cannot prevent an informant from volunteering to appear on national television, they must cause him to understand that if he does so appear they cannot ensure his continued anonymity.

Accordingly it is ordered that on or before thirty days after the entry of this order, the State of Washington shall reveal to counsel for defendant Standard Oil Company of California the name,

address and last employer of the individual who appeared disguised on the NBC Nightly News program on October 17, 1979.

DATED: October 7, 1982.

WILLIAM P. GRAY
United States District Judge

APPENDIX C

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

IN RE: COORDINATED PRETRIAL PROCEEDINGS IN PETROLEUM PRODUCTS ANTITRUST LITIGATION	MDL Docket No. 150-WPG WASHINGTON: No. CV 77-3487-WPG

ORDER OF CONTEMPT

This Court's Memorandum of Decision and Order, dated October 7, 1982, directed plaintiff State of Washington to disclose within thirty days the name, address and last known employer of the person who appeared disguised on NBC Nightly News of October 17, 1979, to counsel for defendant Standard Oil Company of California. This Order is based on this court's determination that the State of Washington has waived any privilege which may have existed to protect the identity of this disguised person by having cooperated in

facilitating his appearance on national television.

By an affidavit dated November 2, 1982, Kenneth O. Eikenberry, Attorney General of the State of Washington, advised the Court that he respectfully declined to obey the Order of October 7, 1982, for the stated purpose of securing appellate review of said Order.

This Court, finding that the Attorney General of the State of Washington has stipulated to the jurisdiction of the Court over his person, that the Attorney General is fully advised concerning the order of this court, that he has in his possession the name, address and last known employer of the disguised person and is able to comply with the Order of October 7, 1982, and that he continues to decline to comply with said Order:

It is hereby adjudged and ordered as follows:

1. The Attorney General of the State of Washington, Kenneth O. Eikenberry, is in contempt of this Court for his refusal to comply with this Court's Memorandum of Decision and Order dated Octboer [sic] 7, 1982.

2. Attorney General Eikenberry commencing this date shall pay a civil sanction in the amount of $100 for each day that he fails to comply with the Order of October 7, 1982.

3. The provisions of paragraph 2 of this Order are stayed until 10 days after the latest of the following dates:

(a) If a notice of appeal from this Order is not filed within 30 days from the date of this Order, then 31 days from the date of this Order.

(b) If a notice of appeal from this Order is filed within 30 days from the date of this Order, then 31 days from the date of any Order of the Court of Appeals which disposes of that appeal from this Order.

(c) If a petition for writ of certiorari seeking review of the Order of the Court of Appeals referred to in subparagraph (b) is filed in the United States Supreme Court, then the date of completion of proceedings on that petition in the Supreme Court.

4. The Attorney General of the State of Washington shall reimburse defendant Standard Oil Company of California its reasonable expenses including attorneys' fees incurred beginning January 5, 1981, with respect to Washington's failure to comply with

the Order of October 7, 1982. The amount to be reimbursed shall be determined by the Court upon completion of any appellate proceedings as referred to in paragraph 3 above.

Dated: November 17, 1982

WILLIAM P. GRAY
United States District Judge

APPENDIX D

§ 1291. Final decisions of district courts

The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court. The jurisdiction of the United States Court of Appeals for the Federal Circuit shall be limited to the jurisdiction described in sections 1292(c) and (d) and 1295 of this title.

(As amended Apr. 2, 1982, Pub.L. 97-164, Title I, § 124, 96 Stat. 36.)

APPENDIX E

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

HONORABLE WILLIAM P. GRAY,
JUDGE PRESIDING

IN RE:	)	
	)	
COORDINATED PRETRIAL	)	MDL Docket
PROCEEDINGS IN	)	No. 150 WPG
PETROLEUM PRODUCTS	)	
ANTITRUST LITIGATION	)	All State Cases

REPORTER'S TRANSCRIPT

OF PROCEEDINGS

Los Angeles, California
April 30, 1981

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LOS ANGELES, CALIFORNIA;
THURSDAY, APRIL 30, 1981;
1:45 P.M.

-- -- -- --

THE COURT: Good afternoon.

THE CLERK: Item No. 1, MDL-150, In Re Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation.

THE COURT: Ladies and gentlemen. The first tem o n the agenda for today is the litigation with the State of Washington concerning the secret informant, and the contempt proceedings.

On January 9, 1980, this Court entered an order requiring a limited disclosure of the informant who had appeared on an NBC program sometime before. Neither the Attorney General of Washington nor his subordinates complied with that order, and instead sought an appeal.

The appeal was dismissed as having been improvidently granted. I assume that is because the Court of Appeals felt that the proper procedure would be for a contempt order to issue, thus creating an appealable order.

The matter was remanded to this Court, and on March 26 of this year I ordered the Attorney General and his subordinates to comply with the previously made order within ten days or show cause at this time why they should not be held in contempt for not doing so.

Attorney General Eikenberry of Washington has made a submission in which he acknowledges the jurisdiction over him of this Court, contends that in his view and the view of his colleagues the order was wrong, and he should not have to comply, and of course he asserts the obvious, that if he complies, why, it

makes any appeal moot. He desires to appeal, and, therefore, in order to get an appealable order he declines to adhere to the Court's order, and has instructed his colleagues not to comply with the Court's order. He went on to say, if this Court's order is sustained on appeal, he will comply.

That is what I intend to do with respect to the Attorney General, therefore. First, I want to state that I understand the position of the Attorney General. Naturally, I believe that the order entered by this Court was an appropriate order that should be complied with, but he has a right to seek to get the Court of Appeals to secondguess [sic] this Court, and I respect that; and I also appreciate the respectful manner in which Mr. Eikenberry has made his submission to this Court.

I will take such action as is needed in order to preserve the integrity of this Court's order. On the other hand, I desire to do so without interfering any more than necessary with the sensibilities of the Attorney General of Washington.

Therefore, with respect to him, it is adjudged that the Attorney General of Washington, Mr. Eikenberry, is in contempt for having failed to carry out the order entered on January 9, and, therefore, beginning ten days after this order becomes final, the Attorney General shall pay a penalty of $100 per day for each day that he fails to comply with this order. I assume that no payment will be made, because, as I say, I accept the assurance that the order will be complied with as soon as this order becomes final, but I make this order for

two purposes: First, to give Mr. Eikenberry an appealable order, and, second, because I expect that I must impose some sanction to require compliance.

I will state that this is minimal, and if compliance is not made with this Court's order as soon as it becomes final, why, it will be my intention to take additional sanctions, including the dismissal of the Washington action, but, as I say, I think that this is not necessary to engage in further, because I expect the orer to be adhered to.

This order will be stayed, of course, until it becomes final, and, as I said, also for ten days thereafter.

Mr. Ellis, with respect to the order concerning the Attorney General, have I covered all the bases? Do you

understand the order and do you find any problems with respect to it?

MR. ELLIS: Your Honor, we believe that in view of the fact that the Attorney General has indicated that he intends to comply with the Court's previous orders in the event that we are unsuccessful on appeal, and the fact that he is able to comply -- he has the name of the informant in his possession -- we feel that the $100 per day fine, which, if for any reason it were to go into effect, would amount to $365,000 dollars a year, is a very steep fine and goes beyond what is necessary.

We understand the order and understand the Court would like Mr. Mac Laury and myself to present an order reflecting these rulings.

THE COURT: Yes. You have answered my question, and you have also answered my next question.

With respect to Mr. White and Mr. Little, you will recall I directed an order to show cause upon them, but inasmuch as I understand you have assured the Court that the Attorney General himself is in position to carry out the terms of the order -- that is, he is aware of the identity of the individual concerned -- therefore, upon this order's becoming final and his being able to comply with it, the Court concludes it is not necessary to impose any further sanction upon Mr. White and Mr. Little. You do give the Court such assurance, I understand.

MR. ELLIS: I can personally assure the Court that the Attorney General has the name of the informant in his possession.

THE COURT: Then no further order will be made with respect to the subordinates in the Attorney General's office, particularly Mr. White and Mr. Little.

Mr. Mac Laury, would you and Mr. Ellis undertake or would you draw an appropriate order and get his approval as to form.

MR. MAC LAURY: I will, your Honor.

If I may make a point, as I understood your Honor's comments, you were making this contempt order, I think your Honor stated, "effective when the order." I assume you mean when your order of January 9, 1980 becomes final.

THE COURT: Yes.

MR. MAC LAURY: That raises the question, your Honor, as to the appealability of your Honor's order. I think your Honor's order would becom apeallable only if --

THE COURT: I see.

MR. MAC LAURY: -- it becomes effective today.

THE COURT: All right. It is a matter of semantics.

MR. MAC LAURY: It is a matter of semantics. And then stay it.

THE COURT: Suppose I make it effective today and then stay the order pending appeal.

MR. ELLIS: I think that would be appropriate, but that is certainly a point that Mr. Mac Laury and I could deal with in the contect of the order that he is going to prepare.

THE COURT: That is what I meant to say the first time, and that will be the order.

MR. MAC LAURY: One other thought, your Honor. I did request as part of the Rule 37(b) punishment that the Attorney General of the State of Washington be required to reimburse SoCal for its expenses incurred after January 5, 1981, the date we were notified by Washington that it was not going to comply.

THE COURT: I neglected to do that. I intend so to do. The amount will be included by the Court at such time the order becomes final.

MR. ELLIS: Let me state under 37(b)(2), which is the basis for Mr. Mac Laury's request, that an award of attorneys fees and expenses is not appropriate on the grounds that the

Attorney General's failure to comply with the Court's prior orders was substantially justified. It was the only route available to him, and accordingly there is no basis under the rule for request of fees and costs.

THE COURT: All right. I have expressed my views as to my respect for the Attorney General and my understanding of the position he has taken, but, nonetheless, as I said also, I believe that the order is appropriate and should be carried out, and that Mr. Mac Claury's [sic] clients should be reimbursed for expenses incurred in undertaking to make sure it is carried out.

So, therefore, attorneys fees will be accorded in such amounts as the Court shall determine once the order becomes final.

Does that take care of item number one, gentlemen?

MR. ELLIS: I believe it does, your Honor.

THE COURT: All right.

All right, number 2.

The defendant's motion for an order compelling the plaintiffs to produce documents and answer interrogatories. Would it be satisfactory if in accordance with our usual procedure I indicate what I learned from your briefs and what I intend to so subject to argument.

MR. MITTELSTAEDT: Yes, your Honor.

MR. CLARK: Yes, your Honor.

Office - Supreme Court, U.S.
FILED
APR 25 1985
ALEXANDER L. STEVAS,
CLERK

No. 84-1348 (2)

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1984

KENNETH O. EIKENBERRY,
Petitioner,

VS.

STANDARD OIL COMPANY OF CALIFORNIA, et al.,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

RESPONDENTS' BRIEF IN OPPOSITION

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QUESTION PRESENTED FOR REVIEW

Whether, in a pending antitrust action brought by the State of Washington, an interlocutory order of civil contempt against the Washington Attorney General for refusing to answer an interrogatory is immediately appealable to the Court of Appeals under 28 U.S.C. § 1291.[1]

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[1] A list of respondents' subsidiaries (except wholly owned subsidiaries) and affiliates is contained in Appendix A. Petitioner's statement of the parties below omits Phillips Petroleum Company.

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On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

RESPONDENTS' BRIEF IN OPPOSITION

PRELIMINARY STATEMENT

The Court of Appeals held that it had no jurisdiction under 28 U.S.C. § 1291 to review an interlocutory discovery order against plaintiff State of Washington under the guise of reviewing a civil contempt order against the Washington Attorney General. The decision was correct and does not warrant review by this Court.

Contrary to petitioner's claim that the underlying discovery order hampers "the cause of law enforcement everywhere" (Pet., p. 27), the district court simply found—on the unique facts of this case—that the informer's privilege was waived where the informer, with petitioner's assistance, appeared on television and communicated his allegations in support of a pending antitrust case to the nation.

STATEMENT OF THE CASE

The State of Washington, by its Attorney General, filed a civil antitrust action for damages against respondents in August 1977 (Pet.App.A-2). The action is in the pretrial phase.

On October 17, 1979, with Washington's assistance, a disguised person identified as an "oil company executive" appeared on a nationwide television news program and accused respondents of price fixing (Pet.App.B-1,2). In response to an interrogatory, the State of Washington refused to identify the oil company executive, claiming an informer's privilege (Pet.App. B-2, 3). The district court found that, assuming an informer's privilege could be asserted in a private civil antitrust suit for damages, Washington had waived it by presenting the informer on national television:

> "Washington unquestionably aided in the airing of serious allegations against [respondents] on national television. * * * Law enforcement officials cannot help informants air their views supporting the Government's contentions in the litigation and then use the privilege to shield those informants from cross-examination" (Pet.App.B-4,5).

The district court ordered the State of Washington to answer the interrogatory (Pet.App.B-5,6). For the stated purpose of attempting to gain interlocutory review of the discovery order, which itself was not reviewable under 28 U.S.C. § 1291, petitioner stipulated to jurisdiction over his person and advised the court that while he was able to comply with the order, he declined to do so (Appellant's Excerpt of Record (9 Cir.) ("ER"), pp. 512-513). He requested that the district court "technically" hold him in civil contempt (ER, p. 512) and the court did so (Pet.App.C-2). No penalty attached to the civil contempt order because the fine of $100 per day was stayed pending appeal (Pet.App.C-3) and petitioner promised to comply with the discovery order if unsuccessful on appeal (ER, p. 512).

The Court of Appeals dismissed the appeal for lack of jurisdiction. It held that the general rule that a party may not appeal a civil contempt order under 28 U.S.C. § 1291 applied to petitioner (Pet.App.A-14). The Court found that the petitioner controlled

and conducted the litigation, had had sole discretion whether to bring the suit, was "final arbiter" of whether to resist a discovery order and was, as a practical matter, the party plaintiff with respect to the discovery order (Pet.App.A-10 to 14). The Court noted further that the contempt order did not place petitioner at risk because the sanctions had been stayed and in any event would have been paid by the State (Pet.App.A-9).

REASONS WHY THE WRIT SHOULD BE DENIED

I

THE DECISION BELOW—THAT PETITIONER IS A PARTY FOR PURPOSES OF THE RULE BARRING APPEAL OF A CIVIL CONTEMPT ORDER FOR BREACH OF A DISCOVERY ORDER— IS CORRECT AND DOES NOT WARRANT REVIEW

Under 28 U.S.C. § 1291, courts of appeals may review only "final decisions" of district courts. Discovery orders against parties, including civil contempt orders for breach of a discovery order, are not immediately reviewable under § 1291. It is settled that,

> "except in connection with an appeal from a final judgment or decree, a party to a suit may not review upon appeal an order fining or imprisoning him for the commission of a civil contempt" (*Fox v. Capital Co.* (1936) 299 U.S. 105, 107).

A non-party in a pending suit may appeal a civil contempt: "Because he is not a party, he cannot appeal from the final judgment in the action, and so the contempt judgment is regarded as final as to him" (*David v. Hooker, Ltd.* (9 Cir. 1977) 560 F.2d 412, 415-416).

The Court of Appeals' determination that—on the facts here—petitioner is a party does not raise a significant or recurring question that merits review. Moreover, it is correct and consistent with this Court's admonition that §1291 must be given a "practical rather than a technical construction" (e.g., *Firestone Tire & Rubber Co. v. Risjord* (1981) 449 U.S. 368, 375).

As a practical matter, the State of Washington acts in litigation only by and through its attorney general. Unlike a true non-party, he controls the prosecution of this action (Pet.App.A-10,11). He is charged by state statute with enforcement of Washington law (Pet.App.A-1). He is authorized by Federal statute to bring this parens patriae action (15 U.S.C. § 15C(a)(1)). He decided that Washington would not comply with the discovery order (ER, p. 512). Indeed, petitioner as an individual has no interest in the contempt proceedings separate from the State of Washington's desire to seek interlocutory review of an order directing it to answer an interrogatory. The contempt order imposes no sanction against Eikenberry as a practical matter because the fine was stayed pending appeal, he pledged to comply with the order if the appeal was unsuccessful and in any event the state would pay any sanctions (cf. *Union of Prof. Airmen v. Alaska Aeronautical* (9 Cir. 1980) 625 F.2d 881, 884).[2]

Petitioner's suggestion that the discovery order should be appealable under § 1291 because the state would otherwise have to identify the witness who appeared on nationwide television is unsupportable. Compliance with any discovery order results in disclosure of information, even privileged information (e.g., *International Business Machines Corp. v. United States* (2 Cir. 1973) 493 F.2d 112, 118, certiorari denied (1974) 416 U.S. 995). If that were enough to obtain pretrial appellate review under § 1291, *all* orders compelling discovery would be made immediately appealable.

Interlocutory appeals from discovery orders are even less justified where, as here, the asserted reason for withholding information is a *qualified* privilege. The informer's privilege gives way where the witness' identity is "relevant and helpful to the defense," "essential to a fair determination of a cause" and in numerous other circumstances (*Roviaro v. United States* (1957) 353 U.S. 53, 61-62). To permit an immediate appeal each time a

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[2] The cases cited by appellant (Pet., pp. 10-11) do not create jurisdiction on the facts here. Each involved discovery orders directing nonparty lawyers to produce their own documents or permitted nonparty corporate officers to gain immediate review of discovery orders.

court decides that the balance tips in favor of disclosure, as petitioner insists, would be unworkable.[3]

II

THE PETITION DOES NOT RAISE AN IMPORTANT OR RECURRING ISSUE THAT JUSTIFIES REVIEW. THE DISTRICT COURT ORDER ARISES IN UNIQUE CIRCUMSTANCES

Petitioner misconceives the scope of the order below in arguing that it will " do a grave disservice to the cause of law enforcement everywhere" and will "drastically weaken the [informer's] privilege for law enforcement in all jurisdictions" (Pet., pp. 21, 27). The privilege, to use petitioner's own description, is "firmly established". Its purpose, as petitioner recognizes, is to "encourag[e] citizens to communicate their knowledge of unlawful activities *to law enforcement officials*" (Pet., p. 22 (emphasis added); see *Roviaro v. United States* (1957) 353 U.S. 53, 59). The district court order does not interfere with such communications. It encourages them by assuming that an informer's privilege generally can be asserted by a state, even when it sues for money damages in a civil case (Pet.App. B-3, 4).

The district court's finding of waiver is based on the unique facts of this case. The witness, aided by the State, disclosed his identity to the television network NBC (Pet., p. 27); proclaimed that he was an oil company executive; and communicated his purported knowledge not to law enforcement officials but to the entire nation.[4] That these unusual facts distinguish this "oil

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[3] The only "basis" for petitioner's claim that the witness' "personal and financial security may be jeopardized" and that he may be "exposed" to retaliation (Pet., pp. 2, 13) is double-hearsay indicating that five years ago the witness said he feared he would be fired if identified. It appears that he is now retired (Appellees' Excerpt of Record (9 Cir.) ("AER"), p.14) and, in any event, he is amply protected by Federal law (*Kush v. Rutledge* (1983) 103 S.Ct. 1483).

[4] Contrary to petitioner's attempt to minimize the State's role, the record establishes that but for the State's serving as intermediary, the

company executive" from the typical informer has been acknowledged elsewhere by petitioner (AER, p. 14). Effective enforcement of the law does not depend on the ability of a state to use disguised persons to publicize its side of pending civil litigation on the evening news.

CONCLUSION

For the foregoing reasons, the petiton for writ of certiorari should be denied.

Respectfully submitted,

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network would not have been aware of the informer's existence and could not have contacted him (ER, pp. 467-473).

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Union Oil Center
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Los Angeles, CA 90051
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(Appendix A follows)

Appendix A

Atlantic Richfield Company

ABE Beverage, Inc.
Agro Internacional, S. de R.L. de C.V.
Almeg Extrusion Company, Inc.
Alpart Farms (Jamaica), Ltd.
Alumina Contractors Ltd.
Alumina Partners of Jamaica
Alyeska Pipeline Service Company
Ambler Mining Company
Anaconda Exploration New Zealand Limited
Anaflex, S.A. de C.V.
Anamax Mining Company
Anamet, S.A. de C.V.
ARCO Australia Coal Pty. Ltd.
ARCO Chemical IBERICA, S.A.
ARCO Oil Limited
ARCO Solar Nigeria Ltd.
Arilan, S.A. de C.V.
Arpet Petroleum Limited
A/S Skaland Graftiverk
Atlantic Richfield Oil Limited
Atlantic Richfield de Mexico, S.A. de C.V.
Aughinish Alumina, Ltd.
Aughinish Estates Limited
Aughinish Finance, Limited
Aughinish Property (Nominees) Limited
Badger Pipeline Company
Bingham Development Company
Black Lake Pipe Line Company
Blair Athol Coal Pty., Limited
British American Metals Company, Limited

Candel International Limited
Caribou—Chaleur Bay Mines Ltd.
Caribou—Smith Mines Ltd.
Chile Copper Company
Cobre de Hercules, S.A.
Cobre de Mexico, S.A.
Cobrecel, S.A. de C.V.
Colonial Pipeline Company
Compania Minera Dos Republicas, S.A. de C.V.
Compania Minera Kappa, S.A.
Compania Minera Penacobre, S.A.
Compania de Petroleo Ganso Azul, Ltda.
Cook Inlet Pipe Line Company
Cupro San Luis, S.A. de C.V.
Curragh Coal Sales Co. Pty. Ltd.

Delaware Bay Transportation Company
Dexter de Mexico, S.A.
Dixie Pipeline Company

East Texas Salt Water Disposal Co.
85819 Canada Limited

Eisenhower Mining Company
Empresa de Comercio Exterior Mexicano, S.A. de C.V.
Ericsson

Flower Street Limited

Gravity Adjustment, Inc.
Greater Pacific Limited
Griffith-Consumers Company

Hardy Oil Company

Imperial Eastman de Mexico, S.A.
Impulsora De Cobre, S.A. de C.V.
Indelta, S.A. de C.V.
Industrias Tecnos, S.A. de C.V.
Iricon Agency Ltd.

Jamaica Alumina Security Company Ltd.

Kenai Pipe Line Company
Kronos, Computacion y Teleproceso, S.A. de C.V.
Kuparuk Transportation Capital Corporation
Kuparuk Transportation Company

Las Quintas Serenas Water Company
Lavan Petroleum Co.
Lingobronce, S.A.

Manufacturas de Cintas Metalicas, S.A.
Manufacturera Mexicana De Partes Para Automoviles, S.A. de C.V.
Mayflower Mining Company
Mexicana de Cospeles, S.A. de C.V.
R. W. Miller (Holdings) Limited
Minera Anaconda Limitada
Montoro, Empresa Para La Industria Quimica

Nacional de Cobre, S.A.
New Bingham Mary Mining Company
Nihon Oxirane Company, Ltd.
Nordisk Mineselskab A/S

P. T. Arutmin Indonesia
Park City Ventures
Park Cummings Mining Company
Park Premier Mining Company
Participaciones Mexicanas, S.A. de C.V.
Platte Pipe Line Company
Prince Consolidated Mining Company

Productos Especiales Metalicos, S.A.
Productos Laminados de Cobre, S.A. ce C.

Richfield U.K. Petroleum, Limited
Rodman Inc.

Saudi Cable Company
Servicios Industriales Nacobre, S.A.
Sinclair (U.K.) Oil Company Limited (SIOC)
Sinclair Venezuelan Oil Company
Smoke House Copper Mining Company
Sociedad Anonima Marvin
Solar Energy Center
Solvamex, S.A. de C.V.
Stup & Costello, Inc.
SUMIARCO Company Limited
Swecomex, S.A.

Tecumseh Pipe Line Company
Texas-New Mexico Pipe Line Company
Trans Mountain Oil Pipe Line Company
Transcobre, S.A. de C.V.
Tubos Flexibles, S.A.

Union de Credito Industrial Vallejo, S.A.
United Park City Mines Company

The Walworth Company
West Mayflower Mining Company
William Prym de Mexico, S.A.

Chevron Corporation

AMAX Inc.
American Overseas Petroleum Limited

P. T. Caltex Pacific Indonesia
Caltex Petroleum Corporation
Cetus Corporation
Chevron do Brasil Participacoes e Empreendimentos Ltda

Chevron Oil Company of Portugal
Compania de Niguel Colombiano, S.A.
Compania de Petroleo Chevron, S.A.
Crest Exploration Limited
Huntington Beach Company
Oil Insurance Limited
Refineria Petrolera de Guatemala—California, Inc.
UNC Resources, Inc.

Exxon Corporation

Abu Dhabi Company for Onshore Oil Operations
Abu Dhabi Petroleum Company Limited
Ace Polymer Co., Ltd.
Aditivos Orinoco, C. A.
Adria-Wien Pipeline Gesellschaft mit besohrankter Haftung
Aishin Sekiyu K. K.
Aktiebolaget Svensk Petroleumadministration
Alberta Products Pipe Line Ltd.
Al-Jubail Petrochemical Company
Altona Petrochemical Company Limited
Alyeska Pipeline Service Company
Andian National Corporation, Limited
Arabian American Oil Company
Aramco Overseas Company
Aramco Services Company
A/S Futurum
A/S Hydrantanlaegget Kobenhavns Lufthaven, Kastrup
Asakawa Sekiyu K.K.
Asociacion Civil "Academy La Castellana"
Atlas Supply Company

Atlas Supply Company of Canada Limited
Australian Synthetic Rubber Company Limited
Aviation Services Saudi Arabia Limited
Awaji Gas Nenryo Kebushiki Kaisha

Bangkok Aviation Fuel Services Limited
Banshu Ekika Gas K. K.
Bayerische Erdgasleitung G.m.b.H.
BSB Gewerkschaften Brigitta und Elwerath
Betriebafuhrunggesellschaft m.b.H.
Bel-Air Entreposage S. A.
BTAS, Inc.
Building Products of Canada Limited
Byron Creek Collieries (1983) Limited

Canada Wide Mines Ltd.
Carnduff Gas Limited
Castle Peak Power Company Limited
Champlain Oil Products Limited
Chingi Airport Fuel Hydrant Installation Pte. Ltd.
Chuo Sekiyu Hanbai K.K.
Cia Refinadora Petrola Santo Domingo, Inc.
Colmant Cuvelier Dodge S.A.
Colmar Suriname Oil Company, Ltd.
Compagnie d'Etancheite Africaine en Cote d'Ivoire S. A.
Compania Minera Disputada de Las Condeo S.A.
Comptoir Auxiliaire du Petrole

DFTG Deutsche Flussigerdgas Terminal GmbH
Daihatsu Sekiyu K.K.
Daiichi Kouyu K. K.
Daitsu Sangyo K.K.
Delta Rope & Twine Limited

Depot Petrolier du Grosivaudan
Depots de Petrole Cotiers
Depots Petrolier de la Corse
Det Gronlandske Olieaktieselskab
Deudan-Holding GmbH
Deutsche Erdgas Transport G.m.b.H.
Deutsche Transalpine Oelleitung G.m.b.H.
Devon Estates Limited
Dixie Pipeline Company
Dodge de Mexico S.A. de C.V.
Drivmedelecentralen Aktiebolag
Dukhan Service Company
86129 Canada Ltd.

E S F Limited
Eagle Kenso K.K.
East Japan Oil Development Company, Limited
East Texas Salt Water Disposal Company
Eiko Sekiyu K.K.
Ejendomsaktieselskebet af 12, juni 1964
Eiwerath Erdol und Erdgas AG
Emirates Oilfield Chemicals Company
Emori Sekiyu K.K.
Emsland-Erdolleitung G.m.b.H.
Erdgas-Verkaufs-Gesellschaft m.b.H.
Escuela Las Morochas, C. A.
Esso Chimie
Esso Energie G.I.E.
Esso Exploration and Production Angola Inc.
Esso Italiana S.p.A.
Esso Malaysia Berhad
Esso of Canada Limited
Esso Resources Canada Limited

Esso Societe Anonyme Francaise
Esso Standard Tunisie S. A.
Exact Reisebyra A/S
415572 Ontario Inc. (operating as Kenton Steel)
F. T. Giken Kabushiki Kaisha
Federal Pacific Electric de Mexico S.A. de C.V.
Federal Pioneer Limited
Ferngas Nordbayern G.m.b.H.
Ferngas Salzgitter GmbH
Forenade Svenska Oljeimportorers AB
Forforge Inc.
Forjan de Colombia, S. A.
Fuji Kogyo K.K.
Fuji Uuyu K. K.
Fukui Sekiyu K.K.
General Busaan K.K.
General Highway K.K.
General Petrochemical Industries Limited
General Sekiyu K.K.
General Sekiyu Okinawa Hanbai K.K.
General Sekiyu Overseas Ltd.
General Shipping Co. Ltd.
General Unyu Kabushiki Kaisha
Geobutane—Lavera
Gewerkschaft Brigitta
Gewerkschaft Elwerath
Gewerkschaft Elwerath & Co. GmbH.
Gewerkschaft Erdol-Raffinerie Deurag-Nerag
Gilbarro do Brasil S. A.—Equipamentos
Goroku Sekiyu K.K.

Grande Ecaille Land Company, Inc.
Groupement Immobilier Petrolier
Groupement Petrolier Aviation
Groupement Petrolier du Finistere G.I.E.

Hankyu Ferry K.K.
Hannoversche Erdolleitung G.m.b.H.
Hanshin Kyowa Sekiyu K.K.
Hayakawa Sekiyu K.K.
Heinrich Schneider Spedition GmbH
Hiroshima General Gas Juten Kabushiki Kaisha
Hoei Sekiyu K.K.
Hokuyu Sekiyu K.K.
Houston Regional Monitoring Corporation
Hydranten-Betriebsgesellschaft
Hydrierwerke Poelitz Aktiengesellschaft

Imperial Oil Limited
Imperial Pipe Line Company, Limited, The
Inada Ekka Gas Kabushiki Kaisha
Industrias Reliance S.A. de C.V.
Industry Promotion Enterprises Limited
Intecom, Inc.
Interface Mechanisms Inc.
Internationale Gas Transport Maatschappij B.V.
Interprovincial Pipe Line (Alberta) Ltd.
Interprovincial Pipe Line Limited
Interprovincial Pipe Line (NW) Ltd.
Iranian Oil Participants Limited
Iranian Oil Services (Holdings) Limited
Iranian Oil Services Limited
Iraq Petroleum Company, Limited
Iraq Petroleum Pensions, Limited

Japan Butyl Company Limited
Japan Coal Liquefaction Development Company, Ltd.
Jersey Nuclear-Avco Isotopes, Inc.

K.K. Aizu General
K.K. Daimaru
K.K. General Sekiyu Hanbaisho
K.K. Heian Sekiyu
K.K. Kanagawa Sekiyu Shokai
K.K. Kyoei Shoshe
K.K. Kyowa Sekiyu Service
K.K. Marugo Izumasa Shoten
K.K. Niimi Kirun
K.K. Nippatsu
K.K. Standard Sekiyu Osaka Hatsubaisho
K.K. Toko
K.K. Toresen
K.K. Uwano Sekiyu Shokai
K/S ejendomsseiskebet af 8, oktober 1965
K/S Hoje Taastrup Storcenter 11
K/S Statfjord Transport A/S & Co.
Kabushiki Kaisha Sankyo Plastics
Kai Tak Refuellers Company Limited
Kanto Kygnus Sekiyu Hambai K.K.
Karlsruhe-Stuttgart Rohrleitung Gesellschaft mbH
Kawasaki Kyguna Sekiyu Hambai Kabushiki Kaisha
Kawasaki Naiko Kabushiki Kaisha
Keihin Kygnus Kabushiki Kaisha
Keiyo Sekiyu Hanbai K.K.
Kenya Petroleum Refineries Limited
Kepco Mfg. Inc.
Kibo Sekiyu Hanbai K.K.

Kiinteisto Oy Myllynksllio
Kinwa Sekiyu K.K.
Kobe Port Service Kabushiki Kaisha
Kobe Standard Sekiyu K.K.
Kowa Sekiyu K.K.
Kowloon Electricity Supply Company Limited
Kygnus Ekka Gas Kabushiki Kaisha
Kygnus Kosan Kabushiki Kaisha
Kygnus Sekiyu K.K.
Kyushu Eagle K.K.

LFL Investments, Inc.
La Compagnie Electrique Pioneer du Quebec, Inc.
Lakehead Pipe Line Company, Inc.
Laykold Corporation
LEAG Aktiengesellschaft fur luzerisches Erdol
Les Dooks des Petroles d'Ambes
Les Restaurants Le Voyageur Inc.
Long Beach Oil Development Company

Magota Sekiyu K.K.
Mainline Pipelines Limited
Makoto Sekiyu Kabushiki Kaisha
Maple Leaf Petroleum Limited
Maquinas de Coser y Border Sigma, S.A.
Mars-Alcatel, S.A.
Marugo Gas K.K.
MEGAL FINCO
MEGAL GmbH
Meiji Sekiyu K.K.
MESBIC Financial Corporation of Houston
Mikawa Bussan K.K.

Mittelrheinische Erdgas Transport Gesellschaft mit beschrankter Haftung
Mongeau & Robert Cie Ltee
Montreal Pipe Line Limited/Les Pipe-Lines Montreal Limitee
95269 Canada Limited

Nakabayashi Sekiyu K.K.
Nansei Sekiyu Kabushiki Kaisha
Native Venture Capital Co. Ltd.
Near East Development Corporation
Neptune Bulk Terminals (Canada) Ltd.
Nichimo Kabushiki Kaisha
Nichimo Oil (Bermuda) Co., Ltd.
Nichimo Sekiyu Seisei Kabushiki Kaisha
Nikko Sangyo K.K.
Nippon Unicar K.K.
Nisku Products Pipe Line Company Limited
Nissei Sekiyu Kabushiki Kaisha
Norddeutsche Erdgas-Aufbereitungs G.m.b.H.
Norddeutsche Mineraloelwerke Stettin G.m.b.H.
Norddeutsche Oelleitungs-Gesellschaft G.m.b.H.
Nordrheinische Erdgas Transport Gesellschaft mit beschrankter Haftung
Nord-West Oelleitung G.m.b.H.
Norsteel Limited
Northern Steel Co. Ltd.
Northward Developments Ltd.
Northwest Company, Limited
Nottingham Gas Limited
NPC Services, Inc.
107580 Canada Inc.

Office Prive d'Assurances de Courtages
Offshore Medical Support Limited

Oil Field Chemicals Company (Saudi Arabia) Ltd.
Oil Service Company of Iran (Private Company)
Oil Transport Company (Saudi Arabia) Limited
Oldenburgische Erdol Gesellschaft m.b.H.
Omnisport B.V.
Omnisport International Inc.
Omnisport International (U.K.) Limited
Omnisport International (U.S.) Inc.
Omniturf Australia Pty. Ltd.
Omniturf Surfaces (N.A.) N.V.
Osaka Propane Gas Hambai Kabushiki Kaisha
Osaka Sekiyu Yuso K. K.

P. T. Stonvac Indonesia
Pars Investment Corporation
Peninsula Electric Power Company Limited
Petroleum Refineries (Australia) Proprietary Limited
Petroleum Services (Middle East) Limited
Petroleum Tankship Company, Inc.
Petrosvibri S.A.
Pipeline Service
Pipe Line Service Company, Inc.
Pipeline Service Iran
Pipeline Service U.K.
Pipe Line Services, Inc.
Plantation Pipe Line Company
Polder-Seehafen-Harburg GmbH
Polyolefins Product Co. Pty. Ltd.
Portland Pipe Line Corporation
Potencia Industrial S.A.
Productos Lorain de Mexico S.A. de C.V.
Progas A/S

Qualbank, Inc.

Raffinerie du Midi S.A.R.L.
Rainbow Pipe Company, Ltd.
Redwater Water Disposal Company Limited
Refineria Petrolera Acajutla, S.A.
Reliance Electric & Engineering Company de Mexico S.A. de C.V.
Reliance Electric Limited
Reliance Electric Ltd.
Reliance Electric S.A. (Spain)
Renix Co. Ltd.
Renown Building Materials Limited
Rheingas Erdgasleitungs-Gesellschaft m.b.H.
Rotterdam-Antwerp Pijpleiding (Nederland) N.V.
Ruhrgas Aktiengesellschaft
S.A. du Pipeline a Produits Petroliers sur Territoire Genevoia (SAPPRO)
S.O.P.—Societa Oleodotti Padani S. p. A.
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Sakurajima Futo K.K.
Sanko Oil Kabushiki Kaisha
Sanwa Kasei Kogyo Kabushiki Kaisha
Sanyo Sekiyu K.K.
Saraco S. A.
Saudi Arabian Lube Additives Company Limited
Schubert KG
SEAG Aktiengesellschaft fur schweizerisches Erdol
Seibu Kygnus Sekiyu Hambai Kabushiki Kaisha
Seismic Industries A/S
Senpoku Oil Service K.K.
SERAM Societa per Azioni
Servacar Ltd.
Shehtah Drilling Limited

Shimoka Skiyu Kabushiki Kaisha
Shimoyama Sekiyu K.K.
Shin-Nihon Yukagaku Kogyo K. K.
Shinohara Oil K. K.
Shizuoka Kanesho Hambai Kabushiki Kaisha
Smiley Gas Conservation Limited
Sociedad Anonima "Escuela Campo Alegre"
Sociedad de Inversiones de Aviacion
Sociedad Nacional de Oleoductos Ltda.
Societa per Azioni Raffineria Padana Olii Minerali—SARPOM
Societe Anonyme de la Raffinerie des Antilles
Societe Anonyme des Hydrocarbures
Societe Anonyme "Produits Lubrifiants de Madagascar"—PROLUMA S.A.
Societe Civile de Mustapha Algerie
Societe Civile de Participation pour la Destruction des Dechets Industriels (SOCDI)
Societe Civile Immobiliere "Courcelles-Etoile"
Societe Civile Immobiliere de la Croix au Chene
Societe Civile Immobiliere du 195 Avenue de Neuilly
Societe Civile Immobiliere Khariesse
Societe Civile Immobiliere "Kleber-Etoile"
Societe Civile Immobiliers "Les Casseaux-Bougainville"
Societe de la Raffinerie d'Alger
Societe de la Raffinerie de Lorraine
Societe de Manutention de Carburants Aviation
Societe de Manutention de Carburants Aviation Dakar-Yoff, S. A.
Societe de Promotion et de Financement Touristique (CARTHACO)
Societe d'Entrepoisage de San-Pedro

Societe des Pipe-Lines de Strasbourg
Societe des Transports Petroliers par Pipe Line
Societe d'Exploitation & de Development d'Operations Commerciales
Societe du Ceoutohouc Butyl (SOCABU)
Societe du Depot Petrolier d'Hauconcourt
Societe du Parkings du Square Boucicaut
Societe du Pipe Line de la Raffinerie de Lorraine
Societe du Pipe-Line Mediterranee-Rhone
Societe Esso de Recherches et d'Exploitation Petrolieres Esso Rep
Societe "Geomines-Caon"
Societe Harvaise de Manutention de Produits Petroliers
Societe Hoteliere de la Petite Compagne
Societe Immobiliere Paris-Niel
Societe Italiana per l'Oleodotto Transalpino S.p.A.
Societe Ivoirienne d'Operations Petrolieres S.A.
Societe Malgache de Raffinage
Societe du Pipeline Sud-Europeen
Societe Reunionnaise d'Entreposage
Socony-Standard-Vacuum Oil Company (Petroleum Maatschappij)
Southern Natural Gas Development Pty. Ltd.
Standard Kosan Kabushiki Kaisha
Standard Service K.K.
Statfjord Transport A/S
Stockage Geologque de Gas de Lavora
Suddeutsche Erdgas Transport Gesellschaft mit beschrankter Haftung
Suntech Company, Ltd.

Supertex, Inc.
Svensk Petroleumlagring Tre Aktiebolag
Syncrude Canada Ltd.
Synergistics Chemicals Limited
305120 Alberta Ltd.
346877 Ontario Limited
TAR-Tankanlage Rumlang AG
TBN Tanklager-Betriebsgesellschaft Nurnberg mbH
Taihei Bussan K.K.
Taiko Skiyu K.K.
Taisei Kogyo Sekiyu Hanbai K.K.
Taketsuru Yugyo K.K.
Tanaka Sekiyu Hanbai K.K.
Tankanlage A. G., Mellingen
Tanklager Altishausen A. G.
Tanklager Gesellschaft
Tanklager-Gesellschaft Tegel
Tanklager Lechelles I S.A.
Tanklager Taegersohen AG
TecSyn International Inc.
Tecumseh Gas Storage Limited
THUMS Long Beach Company
Thyssengas G.m.b.H.
TIBA Speditions GmbH
Tos Nenryo Kogyo Kabushiki Kaisha
Tohko Plastics Company, Limited
Tokai General Sekiyu Hanbai K.K.
Toko Sekiyu K.K.
Toledo Scale Company de Mexico S.A. de C.V.
Toledo Werk GmbH
Tonen Energy International Corp.
Tonen Maintenance K.K.

Tonen Seikyuksgaku Kabushiki Kaisha
Tonen Tanker Kabushiki Kaisha
Tonen Technology K. K.
Towa Sekiyu K.K.
Toyoshina Film Company, Ltd.
Transalpine Finance Holdings S.A.
Transalpine Oelleitung in Oesterreich
Gesellschaft m.b.H.
Trans-Arabian Pipe Line Company
Transgaz Lavera
Tsurumaru Unyu K.K.
Turkish Petroleum Company, Limited

UBAG—Unterflurbetankungsanlage Flughafen Zurich
Ulupna Estates Limited

Van Salt Water Disposal Company

W.A.G. Pipeline Pty. Ltd.
W. H. Adam, Ltee, Ltd.
Wako Jushi Kabushiki Kaisha
Wako Kaesi Kabushiki Kaisha
Westdeutche Erdolleitungs—G.m.b.H.
Westgas G.m.b.H.
Williamsport Properties Limited
Winnipeg Pipe Line Company Limited
Wohnungsbaugesellschaft, Steimbke-Rodewald G.m.b.H
Worex Distribution
Wrenford Insurance Company Ltd.

Yasaka Sekiyu, K.K.
Yellowstone Pipe Line Company
Yoshimi Gas Kabushiki Kaisha
Yusi Sekiyu K.K.
Yugan Kaisha Nishi Kobe Dosai Center

Gulf Oil Corporation

A/S Jargul
A/S Jargul and Co. K/S
Adela Investment Company, S.A.
Allied-General Nuclear Services

Colonial Pipeline Company

Delaware Bay Transportation Company
Dixie Pipeline Company

Emery Joint Venture
Explorer Pipeline Company

Gulf Canada Limited
Gulf Oil Canada Limited Associated Companies
Gulf Oil Terminals (Ireland) Limited
Gulf Oil Zaire S.A.R.L.

Harshaw/Filtrol Partnership—H/FP
Hochtemperatur Reaktorbau GmbH
Hong Kong Refuelling Company Ltd.

Insco Holding & Finance Company N.V.

Kuwait Oil Company Limited

Laurel Pipe Line Company

Mainline Pipelines Limited
Mid-Valley Pipeline Company
Midwest Carbide Corporation
North River Energy Company

Oil Shippers Service, Inc.

Paloma Pipe Line Company
Pembroke Capital Company
Pembroke Cracking Company

Plastigama, S.A.
Plastijal Sociedad Anonima
Platte Pipeline Company

Rio Blanco Oil Shale Partnership

Solvent Refined Coal International, Inc.
Sunrise International Company Limited

The Valley Venture Capital Fund Limited Partnership

Valley Pines Associates
Venezuela Gulf Refining Company

West Texas Gulf Pipe Line Company

Mobil Oil Corporation

AB Djurgardsberg
Abu Dhabi Petroleum Company Limited
Ace Polymer Co., Ltd.
Adria-Wien Pipeline Gesellschaft m.b.H.
AIMCO (ALPHA) Shipping Company
AIMCO (Blasbjerg) Limited
AIMCO (OMEGA) Shipping Company Ltd.
Aircraft Fuel Supply B.V.
Airtankdienst Koln
AK Chemie GmbH
AK Chemie GmbH & Co. KG
Akauma Rekisei Kogyo Kabushiki Kaisha
Alexandroupolis Petroleum Installation S.A.
Allied Asphalt Limited
Alpa Alet Ve Dayanikli Tuketim Mamulleri Pazarlama A.S.
Altona Petrochemical Company Limited
Alyeska Pipeline Service Company
Ammenn GmbH
Ankara Gas Satis Anonim Sirketi
Arabian American Oil Company
Arabian Energy Company Limited, The
Arabian International Maritime Company Limited
Arabian International Maritime Company
The Arabian Petroleum Supply Company (S.A.)
Arabian Shipping & Trading Company S.A.
Arabian Trading Company S.A.

Aral Aktiengesellschaft
A/S Fjellvegen
A/S Kongens Plass I
A/S Moretral
Ammenn GmbH
The Associated Octel Company Limited
Associated Octel Company (Plant) Limited
ATAS-Anadolu Tasfiyehanesi Anonim Sirketi
Atlas Saraha S.A.
Australian Synthetic Rubber Company Limited
Autobahn-Betriebe Gesellschaft m.b.H
Aviation Fuel Services Limited
Aygaz Anonim Sirketi

B.V. Beheersmaatschappij MOBEM
Basrah Petroleum Company Limited
Bataan Refining Corporation
Bayerische Erdgasleitung GmbH
Bin Sulaiman Mobil Towers
Bayerische Mineral Industrie A.G.
Beer GmbH
Bear GmbH & Co.
Mineralol-Vertriebs-KG
Bostadsrattsforeningen Basunen, Malmo
Bostadsrattsforeningen Forarsatet, Orby
Bostadsrattsforeningen Silverskatten, Trelleborg
Bostadsrattsforeiningen Skepparegarden, Norrkoping
Braamkey Investments (Proprietary) Limited
Brazos Heights Housing Incorporated
Brussels Airfuels Service S.C.
Buffalo River Improvement Corporation

Canners' Steam Company, Incorporated
Cansulex Limited
Canyon Reef Carriers, Inc.
Cartoenvases Valencia, S.A.
Carton de Colombia, S.A.
Carton de Venezuela, S.A.
Cartones Nationales, S.A.
Celmisia Shipping Corporation
Celulosa y Papel de Columbia, S.A.
Central African Petroleum Refineries (Pvt) Limited
Central Kagaku Kabushiki Kaisha
Cercera S.A.
Changi Airport Fuel Hydrant Installation Pte. Ltd.
Chuo Nenryo Kabushiki Kaisha
Colombianos Distribuidores de Combustibles, S.A. (CODI)
Columbianos Forestadores, S.A.
Colonial Pipeline Company
Comet-Brennstoffdienst GmbH
Commercial Polymers Pty. Ltd.
Commodore Maritime Company, S.A.
Compagnie Africaine de Transport Cameroun
Compagnie D'Entreposage Communautaire
Compagnie Rhenane de Raffinage
Compagnie Senegalaise des Lubrifiants (C.S.L.)
Compania Colombiana de Empaques Bates, SSA
Compania Colombiana De Forestacion S.A.
Compania de Lubricants de Chile Limitada
(Copec-Mobil Ltda.)
Compania Mexicana de Especialidades Industriales,
S.A. de C.V.
Consortium Raymond Duez
Constructora Calle 70, S.A.

Cook Inlet Pipe Line Company
Corrugadora de Carton, S.A.
Cyprus Petroleum Refinery Limited

D. Muhlenbruch GmbH
D. Muhlenbruch GmbH & Co. KG
Dai Nippon Jushi K.K.
Dearborn Land Company
De. Ba. Industria Petrolifero
Depot Petrolier de Mourepiane
Depot Petrolier du Gresivaudan
Depot de Petrole Cotiers
Depots Petroliers de La Corse (DPLC)
Deutsche Pentosin-Werke GmbH
Deutsche Transalpine Oelleitung GmbH
Dicomi S.r.l.
Dixie Pipeline Company
Drivmedelscentralen AB
Dukhan Services Company

East Japan Oil Development Company Ltd.
Eastern Lease Company Ltd.
East Texas Salt Water Disposal Company
Emoleum (Asphalts) Limited
Entrepot Petrolier de Chambery
Enterpot Petrolier de Dijon
Enterpot Petrolier de Mulhouse (E.P.M.)
Enterpot Petrolier de Nancy
Entreprise Jean Lefebvre
Erdgas-Verkaufs-Gesellschaft mbH
Erdoel-Lagergesellschaft mbH
Erdoel-Raffinerie Neustadt GmbH & Co. oHG
Erdoelbetrieb Reitbrook

Erdoelraffinerie Gesellschaft mbH in Liquidation
Establissments Bouthenet
Ets. Le Goff
Ets. R. Saillard

Faavang Autoverksted A/S
FACEL
Fairwind Maritime Company, S.A.
Felix Oil Company
Fibril, S.A.
Fibras Internacionales de Puerto Rico, Inc.
Filtroleo-Sociedade Portuguesa de Filtros Lda.
Filtros De Costa Rica S.A.
Finsbury Printing Limited
First Eastleigh No. 163 (Proprietary) Limited
Fountain Garage (East Park) Ltd.
Fountain Garage (Meadowhead) Ltd.
Fountain Garage (Mercury) Ltd.
Fountain Garage (Newbury Park) Ltd.
Fountain Garage (Stirchley) Ltd.
Frome-Broken Hill Company Proprietary Limited
Fruehmesser Mineraloelhandels GmbH & Co. KG
Fruehmesser GmbH
Fuso Operations Kabushiki Kaisha
Futuro Enterprises (Christchurch) Ltd.
Futuro Homes (N.Z.) Ltd.

Gaz Aletleri Anonim Sirketi
Geomines-Caen
Geovexin
Ghana Bunkering Services Limited
Goteborgs Branslesortering AB
Groupement Immobilier Petrolier G.I.P.

Groupement Petrolier Aviation G.P.A.
Groupement Petrolier De Brest (GPB)

Handelmaatschappij Hugenholtz & Co. B.V.
H. van der Heijden Service Stations B.V.
Heizoel-Handelsgesellschaft mbH
Hellas Gas Storage Company S.A.
Home Counties Petroleum Products Limited
Hormoz Petroleum Company
Hydranten-Betriebs-Gesellschaft, Flughafen Frankfurt

Inmunizadoras Unidas, S.A.
Industria De Carbon Del Valle Cauca, S.A.
Industria Interamericana De Filtros Ltda. (INTERFIL)
Iranian Oil Participants Limited
Iranian Oil Services (Holdings) Limited
Iranian Oil Services Limited
Iraq Petroleum Company, Limited
Iraq Petroleum Pensions Limited
Iraq Petroleum Transport Company Limited
Iside, S.p.A.
Istanbul Petrol ve Makine Yasglari Limited Sirketi

Japan Airport Fueling Service Co. Limited
Japan Solar Energy Co., Ltd.
J.E.C.O.P.

K.D. Keysers Investments (Proprietary) Limited
K.K. Sankyo Plastics
K.K. Toresen
Kanto Kyguns Sekiyu Hambai K.K.
Kanto Oil Pipeline Co., Ltd.
Kawasaki Kygnus Sekiyu Hambai Kabushiki Kaisha
Keihin Kygnus Sekiyu Hambai Kabushiki Kaisha

Keiyo Sea-Berth Company, Limited
Kettleman North Dome Association
Klaus Koehn GmbH
Klaus Koehn GmbH & Co. Mineraloel KG
Kobe Port Service Kabushiki Kaisha
Kurt Ammenn GmbH & Co. K.G.
Kygnus Ekika Gas Kabushiki Kaisha
Kygnus Kosan Kabushiki Kaisha
Kygnus Sekiyu Kabushiki Kaisha
Kyokyto Petroleum Overseas, Ltd.
Kyokuto Sekiyu Kogyo Kabushiki Kaisha

Les Supermarches De Cote D'Ivoire
Likit Petrol Gazi ve Yakit Ticaret A.S.
Lobe Chemie Gesellschaft mbb
Lubricantes del Sur, S.A.

Marceaux & Cie
Matco Tankers (U.K.) Limited
Maury Manufacturing Company, Inc.
Mediterranean Refining Company
Meentzen & Franke GmbH & Co.
Mertl GmbH
Mobil Ami, S.A.
Mobil Atlas Sociedad Anonima de Capital Variable
Mobil Comercio, Industria e Servicios Ltda.
Mobil Gaz-Mobil Petrol Gazlari Anonim Sirketi
Mobil Korea Lube Oil Industries Inc.
Mobil Motor Rest AG
Mobil Nile Oil Company
Mobil Oil Gabon
Mobil Oil Ghana Limited
Mobil Oil Maroc
Mobil Oil Nigeria Limited

Mobil Oil Nord-Africaine
Mobil Oil Portuguesa, S.A.R.L.
Mobil Tunisie
Mosul Petroleum Company Limited
Motel Rest SA
Mt. Marrow Blue Metal Quarries Pty.

Ndola Oil Storage Company Limited
Near East Development Corporation
New Zealand Refining Company Limited, The
New Zealand Synthetic Fuels Corp. Ltd.
New Zealand Synthetic Fuels (Housing) Corporation Limited
Nichimo Oil (Bermuda) Co., Ltd.
Nippon Unicar Company Limited
Norddeutsche Erdgas-Aufbereitungs GmbH
Nordic Storage Company Ltd.
Nottingham Gas Limited
N.V. Rotterdam Rijn Pijpleiding Maatschappij
N.V. Socony-Standard-Vacuum Oil Company

Occidental de Empaques, Ltda.
Octel Associates
Octel S.A.
Oil Kol (Proprietary) Limited
Oil Service Company of Iran (Private Company)
Oldenburgische Erdoel Gesellschaft mit beschrankter Haftung
Olympic Pipe Line Company
Osage Pipe Line Company

P.T. Arun Natural Gas Liquefaction Company
P.T. Berau Coal
P.T. Stanvac Indonesia

Paloma Pipe Line Company
Pars Investment Corporation
P-6—Group B.V.
Pembalta Gas System No. 1 Ltd.
Pembalta Gas System No. 3 Ltd.
Pembalta Gas System No. 4 Ltd.
Pembalta Gas System No. 5 Ltd.
Pembalta Gas System No. 6 Ltd.
Perretti Petroli S.p.A.
Petrocab
Petrogas Processing Ltd.
Petroleum Development (Cyprus) Limited
Petroleum Refineries (Australia) Proprietary Limited
Petroleum Services (Middle East) Limited
Petroleum Tankship Company Inc.
Petromin Lubricating Oil Company
Petromin Lubricating Oil Refining Company
Petromin-Mobil Yanbu Refinery Company Ltd.
Pipe Line Benal de La Goulette
Plegadizos para La Industria S.A.
Poly Oil Chimie (P.O.C.)
Prespak (Proprietary) Limited

Qatar Petroleum Company Limited
Qualbank, Inc.

Rainbow Pipe Line Company
Randhurst Corporation
Reforestadora Andina, S.A.
Reforestadora del Cauca, S.A.
Rhodes Petroleum Installation S.A.
Rivers Court Estates, Limited
Rohel-Aufsuchungs Gesellschaft mbH
Ruhrgas Aktiengesellschaft

S&M Pipeline Limited
Samarco (Alpha) Shipping Company
Samarco (Beta) Shipping Company
Sanwa Kasei Kogyo Kabushiki Kaisha
Sarni S.p.A.
Saudi Arabian Maritime Company
Saudi Can Company, Ltd., The
Saudi Chemical Industries Company Limited
Saudi Maritime Company Ltd.
Saudi Tankers Limited
Saudi Yanbu Petrochemical Company
Schubert Kommanditgesellschaft
Segher de Mexico, S.A. de C.V.
Seibu Kygnus Sekiyu Hambai Kabushiki Kaisha
SENERCO
Seram Societa per Azioni (S.p.A.)
Sierra Leone Petroleum Refining Company Limited, The
R. Simonnet & CIE
Sociedad Calle 67, Ltda.
Sociedade Portugal Marrocos SARL
Societa Italiana per l'Oleodotto Transalpino, S.p.A.
Societe Africaine de Raffinage
Societe Alfred Ott & Cie
Societe Belge de Transport par Pipeline S.A.
Societe Camerounaise des Depots Petroliers (S.C.D.P.)
Societe Camerounaise Equatoriale De Fabrication De Lubrifiants "S.C.E.F.L."
Societe Civile de Mustapha
Societe Civile Immobiliere Courcelles-Etoile
Societe Civile Immobiliere de Construction de 34 Avenue du General Leclerc a Boissy-St-Leger
Societe Civile Immobiliere de Construction "La Residence Brune"

Societe Civile Immobiliere du 10 Bd. de la Republique A La Garenne-Colombes
Societe Civile Immobiliere Kleber-Etoile
Societe Civile Immobiliere La Fontaine Saint Lucien
Societe Civile Immobiliere Mobil
Societe Dahomeenne d'Entreposage de Produits Petroliers
Societe d'Armement Fluvial et Maritime "SOFLUMAR"
Societe de Construction & de Gestion CB 12
Societe de Distribution Castelroussine (SODICA)
Societe de Gaz D'Oceanic (SOGADOC)
Societe de Manutention de Carburants Aviation (S.M.C.A.)
Societe de Manutention de Carburants Aviation Dakar-Yoff
Societe de Manutention de Carburants Aviation de Tahiti (SOMCAT)
Societe de Maperialx d'Etancheite Pour Le Entreprises (Meple)
Societe d'Entreposage de Bobo-Dioulasso (S.E.B.)
Societe d'Entreposage d'Hydrocarbures de Bingo (SEHBI)
Societe d'Entreposage de San Pedro (SESP)
Societe d'Entreposage Petrolier au Burundi
Societe d'Habitations a Loyer Modere de la Seine Maritime
Societe des Bitumes et Cut-Backs du Cameroun
Societe Des Huiles Lemahieu
Societe de Pipe-Line Sud-Europeen
Societe Francaise Stoner-Mudge
Societe Gabonaise d'Entreposage de Produits Petroliers
Societe Gabonaise de Raffinage
Societe Industrielle des Asphaltes et Petroles de Lattaquie (Syrie) S.A.
Societe Jean Roussel S. A.
Societe Ivoirienne de Fabrication de Lubrifiants (S.I.F.A.L.)

Societe Ivoirienee de Raffinage
Societe Mauritanienne d'Entreposage de Produits Petroliers
Societe Malienne D'Entreposage (SME)
Societe Nationale de Raffinage (Sonara)
Societe Pizo De Formulation De Lubrifiants (PIZOLUB)
Societe Tahitienne de Depots Petroliers
Societe Tchadienne D'Entreposage de Produits Petroliers
Societe Togolaise d'Entreposage (STE)
Sonarep (South Africa) (Proprietary) Limited
SONEX
South African Oil Refinery (Proprietary) Limited
South Saskatchewan Pipe Line Company
South West Africa Road Binders (Proprietary) Limited
Statfjord Transport A.S.
Sydney Metropolitan Pipeline Pty. Ltd.
Syria Petroleum Company Limited

T.R. Miller Mill Company, Inc.
Tanklagergesellschaft Kohn-Bonn
Tecklenburg GmbH
Tecklenburg GmbH & Co. Energiebedarf K.G.
Texoma Pipe Line Company
Thailand Lubricant Products Limited
Thailand Solvent Products, Ltd.
Thums Long Beach Company
Toa Nenryo Kogyo Kabushiki Kaisha
Tohko Plastics Co., Ltd.
Tonen Energy International Corp.
Tonen Maintenance Kabushiki Kaisha
Tonen Sekiyu Kagaku Kabushiki Kaisha
Tonen Tanker Kabushiki Kaisha
Tonen Technology Kabushiki Kaisha
Total Centrafricaine de Gestion (TOCAGES)

Toyoshina Film Co., Ltd.
Tradewind Maritime Co., S.A.
Transalpine Finance Holdings S.A.
Transalpine Oelleitung in Oesterreich Gesellschaft m.b.H.
Trans-Arabian Pipe Line Company
Transgas Umschlags-Lager-Und Transport Gesellschaft mbH
Turkish Petroleum Company Limited
Twifo Oil Plantations Ltd.

UBAG Unterflur Betankungsanlage Flughafen Zurich
Union Grafica, S.A.
United Kingdom Oil Pipelines Limited

W.A.G. Pipeline Pty. Ltd.
Wako Kasei Kabushiki Kaisha
Wakohjushi Kabushiki Kaisha
Walton, Gatwick Pipeline Company Limited
Werner Weidemann Mineraloelvertrieb G.m.b.H.
West Shore Pipe Line Company
Wilbelm Mertl GmbH & Co. KG
Wolverine Pipe Line Company
WSG, Warme Service GmbH
Wyco Pipe Line Company
Wymondham Oil Storage Co., Limited

Zaire Mobil Oil
Zaire Services Des Entreprises Petrolieres

Phillips Petroleum Company

Aero Oil Company
Phillips Pacific Chemical Company
The Salk Institute Biotechnology/Industrial Assoc., Inc.
Bruin Carbon Dioxide Sales Corporation
Kenai LNG Corporation
Alyeska Pipeline Service Company
Chisholm Pipeline Company
Colonial Pipeline Company
Dixie Pipeline Company
Everglades Pipe Line Company
Explorer Pipeline Company
Kaw Pipe Line Company
Seadock, Inc.
Seaway Pipeline Inc.
Texas Offshore Port, Inc.
Papago Chemicals, Inc.
LeeFac, Inc.
Acurex Corporation
Canyon Reef Carriers Inc.
SPODCO U.S.A. Inc.
Sedco Phillips Offshore Drilling
Solar Gas, Inc.

Shell Oil Company

Basin Pipe Line System
Bullenbay Marine Services, N.V.
Business Development Corporation of North Carolina
Butte Pipe Line Company

Capline System
Capwood Pipe Line System
Cortez Capital Corporation
Crown-Shell Baytown Feeder Line System
Curacao Oil Terminal N.V.

Dixie Pipeline Company

East Texas Salt Water Disposal Company
Explorer Pipeline Company

First Harlem Securities Corporation
Fractionation Research, Inc.

George Newman & Company
Gravcap, Inc.

Heat Transfer Research, Inc.

Inland Corporation

LOCAP, Inc.
LOOP, Inc.

MESBIC Financial Corporation of Houston

Oil Companies Institute for Marine Pollution
Compensation Limited
Oil Insurance Ltd.
Olympic Pipe Line Company
Ozark Pipe Line Company

Penn Central Corporation
Plantation Pipe Line Company

Rancho Pipe Line System
Royal Dutch Petroleum Company

Seadock, Inc.
Shell Petroleum, N.V.

The "Shell" Transport and Trading Company, Limited
Ship Shoal Pipe Line System

Thums Long Beach Company

United Scientific, Inc.

West Shore Pipe Line Company
WIDC
Wolverine Pipe Line Company

Texaco Inc.

Texaco Inc.
Refineria Texaco de Honduras, S.A.
Texaco Agro-Industrial (Nigeria) Limited
Quimica Industrial "FIDES" S.A.
Texaco Canada Inc.
Great Eastern Oil Limited
Texaco Norway A/S
Deutsche Texaco Aktiengesellschaft
Texaco Portugal Prospeccao e Producao, S.A.R.L.
Texaco Exploration Norway A/S
Texaco Gabon
Texaco Togo
Zaire-Texaco S.A.R.L.
Texaco Nigeria Limited
Tadlaqaz S.A.
American Overseas Petroleum Limited
Bunkerservice Brunsbuttel G.m.b.H.
Societe Ivoirienne De Futs et D'Emballages (Sifembal)
Societe Guineenne De Lubrifiants et D'Emballages (SOGUILUBE)
Caltex Petroleum Corporation
Australian Lubricanting Oil Refinery Limited

Phoenicia Oil Company S.A.L.
Caltex Tanker Company (Australia) Pty. Limited
Sydney Metropolitan Pipeline Pty. Limited
Koa Oil Company, Limited
Mediterranean Refining Company
Nippon Petroleum Refining Company, Ltd.
Tokyo Tanker Company, Limited
Caltex Deutschland G.m.b.H.
Caltex Mediterranean Limited
Condea Chemie G.m.b.H.
Federated Pipe Lines Ltd.
Flexibox G.m.b.H.
LPG de Panama, S.A.
Pembroke Capital Company Inc.
P.T. Caltex Pacific Indonesia
Petrogas, S.A.
Texaco Maroc
Societe Ivoirienne D'Avitaillements Portuaires (S.I.A.P.)
Societe Ivoirienne D'Entrepasage De Produits Petroliers (S.I.E.P.P.)
Badger Pipe Line Company
Canyon Reef Carriers, Inc.
Colonial Pipeline Company
Dixie Pipeline Company
Explorer Pipeline Company
Felix Oil Company
Kaw Pipe Line Company
Laurel Pipe Line Company
LOCAP, Inc.
LOOP Inc.
Olympic Pipe Line Company
Portland Pipe Line Corporation

Texas-New Mexico Pipe Line Company
THUMS Long Beach Company
West Shore Pipe Line Company
Wolverine Pipe Line Company
Wyco Pine Line Company
Aircraft Fuel Supply B.V.
Airport Refueling Services S.p.A.
Alberta Products Pipe Line Ltd.
Arabian American Oil Company
Associated Octel Company Limited, The
Aviation Fuel Services Ltd.
New Zealand Refining Company Limited, The
South African Oil Refinery (Proprietary) Ltd.
Batangas Land Company Inc.
Changi Airport Fuel Hydrant Installation Pte. Ltd.
Central African Petroleum Refineries (Private) Ltd.
Pakistan Refinery Limited
Societe Reunionnaise d'Entreposage (S.R.E.)
Cia. Refinadora Petrolera Santo Domingo Inc.
Deutsche Transalpine Olleitung GmbH
Forenade Svenska Oljeimportorers AB
Ghana Bunkering Services Limited
Iranian Oil Participants Limited
Iranian Oil Services (Holdings) Limited
Maghreb Gas S.A.
Mainline Pipelines Limited
Milan Airport Refueling Services S.p.A. (MARS)
Mitsui-Texaco Chemicals Co., Ltd.
Montreal Pipe Line Company Limited
N.V. Rotterdam Rijn Pijpleiding Maatschappij
Oberheinische Mineralolwerke G.m.b.H.

Pars Investment Corporation
Pipelines of Puerto Rico, Inc., The
Rheem del Ecuador C.A.
Rhein-Main Rohrleitungstransportgesellschaft m.b.H.
Saudi International Petroleum Carrier Ltd.
Sierra Leone Petroleum Refining Company Limited, The
Skandinaviska Raffinaderi Aktiebolaget Scanraff
Societa Italiana per l'Oleodotto Transalpino
Societa per Azioni Raffineria Padana Olii Minerali (SARPOM)
Societe Africaine de Raffinage S.A. (SAR)
Societe Anonyme de la Raffinerie des Antilles (SARA)
Societe D'Entreposage de Bobo-Dioulasso
Societe Dakaroise d'Entreposage S.A. (SDE)
Societe d'Entreposage de San Pedro S.A. (SESP)
Societe De Manutention Des Carburants Aviation Dakar-Yoff (SMACADY)
Societe Gabonaise de Raffinage (SOGARA)
Societe Gabonaise d'Entreposage de Produits Petroliers S.A. (SGEPP)
Societe Tchadienne d'Entreposage de Produits Petroliers S.A. (STEPP)
Societe Togolaise d'Entreposage S.A. (STE)
Svensk Petroleum Forvaltning Aktiebolag
Tankanlage AG Ruemlang (TAR)
Texaco Mexicana, S.A.
Transalpine Finance Holdings S.A. de C.V.
Transalpine Olleitung in Osterreich GmbH
Trinidad Asphalt Holdings Limited
Trinidad Norther Areas Limited
Trinmar Limited
Trintovac Developments Limited

United Kingdom Oil Pipelines Limited
Unterflur Betankungsanlage A.G. (UBAG)
West Australian Natural Gas Pty. Limited
Zaire Services des Entreprises Petrolieres (Zaire S.E.P.)
Aktiebolaget Djurgardsberg
Association Petroliere Belge
Aviation Fueling Services, S.A.
Aviation Service Center
Compagnie Entreposage Communautaire
Singapore Refining Company Private Limited
Societe Belge de Transport Par Pipeline S.A.
Societe de Cabotage Petrolier S.A.
Societe du Pipeline Sud-European S.A.
Societe Nationale de Raffinage
Svensk Petroleumadministration AB
Total Centrafricaine de Gestion
Societe Agricole des Entreprises Petrolieres
Union des Raffineurs Belges
Svensk Petroleumlagring Tre Aktienbolag
Societe Cameraunaise des Depots Petroliers (SCDP)
Trans-Northern Pipeline Inc./Pipelines Trans-Nord Inc.
AK Chemie GmbH & Co. KG
Bergemann KG
Braunkohle-Benzin AG
Knoops & Muller Mineralolhandel GmbH
Karlsruhe-Stuttgart Rohrleitung GmbH
Bremer Mineralolhandel GmbH
Dannenberg & Co. Mineralolhandel GmbH
Mdina Weave Ltd.
W. Knierim & Co. Mineralolhandel GmbH
Boske & Co. Mineralolhandel GmbH

Wichmann Beteiligungsgellschaft mbH
Zerssen Mineralolhandel GmbH
Butte Pipe Line Company
Chisholm Pipeline Company
Gibson Holdings, Ltd.
Texaco Alaska Inc.
Iricon Agency Ltd.
Northern Tier Pipeline Company
Osage Pipe Line Company
Seminole Pipeline Company
Texoma Pipe Line Company
Tide Water Oil Company (India), Limited
Wascana Pipe Line, Inc.
Wascana Pipe Line, Ltd.

Cynthia Gas Gathering Company Limited
Texaco Ghana Limited
Caltex Australia Limited
Bayswater Nominees Pty. Limited
Hunter Pipe Line Company Limited
Majik Markets Pty. Limited
Newcastle Pipeline Company Limited
Honam Oil Refinery Company, Limited
Sungho Real Estate Company Limited
Caltex (Philippines) Inc.
Philippine Petroleum Corporation
Abu Dhabi Asphalt and Lubricants Company, Limited
Bahrain National Gas Company (B.S.C.)
Bahrain Petroleum Company BSC (Closed), The
Emirates Bunkering & Bituman Company (Private) Ltd. "EBBCO"
Star Holdings Company Limited
Thai Oil Refinery Company Limited, The

Farmer Construction Limited
Tanker Mooring Services Company Private Limited
Kenya Petroleum Refineries Limited
Kashima Seikansho Co., Ltd.
Koa Oil Overseas Co., Ltd.
Koa Petro-Gas Co., Ltd.
Mitsui Petro-Chemica Co. Ltd.
Ryoko Co., Ltd.
Ryoko Shoji Co., Ltd.
Sakai Kigyo Co., Ltd.
Toko Shokai Co., Ltd.
Union Oil Co., Ltd.
Lublend Limited
Kudamatsu Joint Disaster Prevention Center
Nippon Oil Staging Terminal Company, Limited
Ranhoku Joint Disaster Prevention Center
West Australian Petroleum Pty, Limited
Societe d'Entreposage Petroilar au Burundi S.A.R.L. (SEP-BURUNDI)
Societe Gabonaise d'Entreposage de Produits Petroiliers
Societe Ivoirienne de Raffinage S.A. (SIR)
Plastumar
Fabricacion y Distribucion de Productas, S. de R.L. (FADIPCO)
AK Deutsche Steinkohlen reviere GmbH
AT&S Exploration Ltd.
City Parkeer garage (city parking) B.V.
Deutscher Kraft Parker Ernst Grimmke GmbH
Drivedel sentralen A.B.
Erdgas Verkaufs GmbH
Glen Park Gas Pipe Line Company Limited
Hamburger Mineralol-Transport GmbH
Heddington Brokers Limited

Heizkraft Mineralol GmbH
Hertfordshire Oil Storage Limited
Karl Becker & Co. Mineralolhandel GmbH
Kux & Krohn Mineraloels GmbH
Louis Hagel Mineralol—Handels GmbH
MBH Mineralolhandel GmbH
Motorway Services Ltd.
"Premigas" S.A.
Salland Olie Maatschappij B.V.
Societe d'Entreposage d'Hydracurbures de Bingo (SGHBI)
Societe Malienne d'Entreposage (smE)
Steag AG
Texaco Mineralolhandel Rhein-Hessen GmbH
"Total Texaco Mali"
204383 Enterprises Limited
Warwickshire Oil Storage Limited

Union Oil Company of California

Ace Gas, Incorporated
Adobe Canyon Corporation

Badger Pipe Line Company
Brea Agricultural Service, Inc.

Chemcentral Corporation
Chicap Pipe Line Company
Colonial Pipeline Company
Companhia Brasileira De Metalurgia E Mineracao
Cook Inlet Pipe Line Company
Cymoly Corporation

Everglades Pipe Line Company

Gravcap, Inc.
Gravity Adjustment, Inc.

Inland Corporation
International Speedway Corporation

Kaneb Services, Inc.

Los Angeles Oil Company, The

Maitland
Magma Power Company
Miami Valley Corporation
Mid-County Chemical Co.
Moreland/Hapsmith Partnership
Moreland/John Martin Company
Moreland/Pulley
Moreland/Tarnutzer-Hamilton

Platte Pipe Line Company

Quebec Columbium, Ltd.

Sepulveda Oil & Gas Company
South Saskatchewan Pipe Line Company
Southcap Pipe Line Company
Southern California Petroleum
Superior Deshler Co.

Tecumseh Pipe Line Company
THUMS Long Beach Company

UNOCAL Corporation
UNOCO (Philippines), Inc.
USZ Associates
USZ Hotel Venture

Van Salt Water Disposal Company

West Shore Pipe Line Company
West Texas Gulf Pipe Line Company
Wolverine Pipe Line Company

Yellowstone Pipe Line Company